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RESERVATIONS, DECLARATIONS, NOTIFICATIONS AND OBJECTIONS RELATING TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS AND THE OPTIONAL PROTOCOLS THERETO

Note by the Secretary-General

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Introduction

1. This document contains the texts of the reservations, declarations, notifications and objections made by States with respect to the International Covenant on Civil and Political Rights and the Optional Protocols thereto, as at 31 March 1992 and is based upon Multilateral Treaties deposited with the Secretary-General: Status as at 31 December 1991. 1/ As indicated in the introduction to that publication, the texts of declarations, reservations and objections are normally reproduced in full. Unless shown in quotation marks, the text is a translation by the Secretariat.

2. Part I of the present document contains the texts of reservations, declarations, notifications and objections made by States parties concerning the Covenant. Part II contains the texts concerning the Optional Protocols.

3. The organization of this document reflects a number of national and international developments that have occurred since the previous revision was issued in 1989. The developments in question are the following:

(a) Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation of "Germany". The former German Democratic Republic had ratified the Covenant on 8 November 1973 and reservations it made at the time have been listed separately under the designation "Germany".

(b) On 22 May 1990 the People's Democratic Republic of Yemen and the Yeman Arab Republic merged to form a single sovereign State called the Republic of Yemen, with Sana'a as its capital. The People's Democratic Republic of Yemen had acceded to the Covenant on 9 May 1987 and reservations it made at the time have been reproduced under the designation "Yemen". The Yemen Arab Republic was not a State party to the Covenant.

(c) By a note transmitted by the Permanent Representative of the Russian Federation to the United Nations Office at Geneva on 26 December 1991, the Ministry for Foreign Affairs of the Russian Federation informed the Secretary-General that:

> "the membership of the Union of Soviet Socialist Republics in the United Nations and all of its bodies as well as the participation in all the conventions, agreements and other international legal instruments signed in the framework of the United Nations or under its auspices, is continued by the Russian Federation ... . The Russian Federation remains responsible in full for all rights and obligations of the USSR in the United Nations, including the financial obligations".

Accordingly, all material emanating from the former Union of Soviet Socialist Republics has been listed in this publication under the designation "Russian Federation".

I. INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

A. General Information

Adopted by the General Assembly of the United Nations on 16 December 1966

Entry into force: 23 March 1976, in accordance with article 49, for all provisions except those of article 41; 28 March 1979 for the provisions of article 41, in accordance with paragraph 2 of the said article 41.

Registration: 23 March 1976, No. 14668.

Text: United Nations, Treaty Series, vol. 999, p. 171 and vol. 1057, p. 407 (procès-verbal of rectification of Spanish authentic text).

The Covenant was opened for signature at New York on 19 December 1966.

Participant	Signature	Ratification Accession a/
Afghanistan		24 January 1983 a/
Albania		4 October 1991 a/
Algeria	10 December 1968	12 September 1989
Angola		10 January 1992 a/
Argentina	19 February 1968	8 August 1986
Australia	18 December 1972	13 August 1980
Austria	10 December 1973	10 September 1978
Barbados		5 January 1973 a/
Belgium	10 December 1968	21 April 1983
Belarus	19 March 1968	12 November 1973
Benin		12 March 1992 a/
Bolivia		12 August 1982 a/
Brazil		24 January 1992 a/
Bulgaria	8 October 1968	21 September 1970
Burundi		9 May 1990 a/
Cambodia	17 October 1980	
Cameroon		27 June 1984 a/
Canada		19 May 1976 a/
Central African Republic		8 May 1981 a/
Chile	16 September 1969	10 February 1972
China 2/		
Colombia	21 December 1966	29 October 1969
Congo		5 October 1983 a/
Costa Rica	19 December 1966	29 November 1968
Côte d'Ivoire		26 January 1992 a/
Cyprus	19 December 1966	2 April 1969
Czech and Slovac Federal Republic	7 October 1968	23 December 1975
Democratic People's Republic of Korea		14 September 1981 a/

Participant	Signature	Ratification Accession a/
Denmark	20 March 1968	6 January 1972
Dominican Republic		4 January 1978 a/
Ecuador	4 April 1968	6 March 1969
Egypt	4 August 1967	14 January 1982
El Salvador	21 September 1967	30 November 1979
Equatorial Guinea		25 September 1987 a/
Estonia		21 October 1991 a/
Finland	11 October 1967	19 August 1975
France		4 November 1980 a/
Gabon		21 January 1983 a/
Gambia		22 March 1979 a/
Germany, 4/	9 October 1968	17 December 1973
Grenada		6 September 1991 a/
Guinea	28 February 1967	24 January 1978
Guyana	22 August 1968	15 February 1977
Haiti		6 February 1991 a/
Honduras	19 December 1966	
Hungary	25 March 1969	17 January 1974
Iceland	30 December 1968	22 August 1979
India		10 April 1979 a/
Iran (Islamic Republic of)	4 April 1968	24 June 1975
Iraq	18 February 1969	25 January 1971
Ireland	1 October 1973	8 December 1989
Israel	19 December 1966	3 October 1991 a/
Italy	18 January 1967	15 September 1978
Jamaica	19 December 1966	3 October 1975
Japan	30 May 1978	21 June 1979
Jordan	30 June 1972	28 May 1975
Kenya		1 May 1972 a/
Lebanon		3 November 1972 a/
Liberia	18 April 1967	
Libyan Arab Jamahiriya		15 May 1970 a/
Lithuania		20 November 1991 a/
Luxembourg	26 November 1974	18 August 1983
Madagascar	17 September 1969	21 June 1971
Mali		16 July 1974 a/
Malta		13 September 1990 a/
Mauritius		12 December 1973 a/
Mexico		23 March 1981 a/
Mongolia	5 June 1968	18 November 1974
Morocco	19 January 1977	3 May 1979
Nepal		14 May 1991 a/
Netherlands	25 June 1969	11 December 1978
New Zealand	12 November 1968	28 December 1978
Nicaragua		12 March 1980 a/
Niger		7 March 1986 a/
Norway	20 March 1968	13 September 1972
Panama	27 July 1976	8 March 1977
Peru	11 August 1977	28 April 1978

Participant	Signature	Ratification Accession a/
Philippines	19 December 1966	23 October 1986
Poland	2 March 1967	18 March 1977
Portugal	7 October 1976	15 June 1978
Republic of Korea		10 April 1990 a/
Romania	27 June 1968	9 December 1974
Russian Federation	18 March 1968	16 October 1973
Rwanda		16 April 1975 a/
Saint Vincent and the Grenadines		9 November 1981 a/
San Marino		18 October 1985 a/
Senegal	6 July 1970	13 February 1978
Somalia		24 January 1990 a/
Spain	28 September 1976	27 April 1977
Sri Lanka		11 June 1980 a/
Sudan		18 March 1986 a/
Suriname		28 December 1976 a/
Sweden	29 September 1967	6 December 1971
Syrian Arab Republic		21 April 1969 a/
Togo		24 May 1984 a/
Trinidad and Tobago		21 December 1978 a/
Tunisia	30 April 1968	18 March 1969
Ukraine	20 March 1968	12 November 1973
United Kingdom	16 September 1968	20 May 1976
United Republic of Tanzania		11 June 1976 a/
United States of America	5 October 1977	
Uruguay	21 February 1967	1 April 1970
Venezuela	24 June 1969	10 May 1978
Viet Nam		24 September 1982 a/
Yemen		9 February 1987 a/
Yugoslavia	8 August 1967	2 June 1971
Zaire		1 November 1976 a/
Zambia		10 April 1984 a/
Zimbabwe		13 May 1991 a/

B. Texts of reservations and declarations

(For objections to these declarations and reservations see section D)

AFGHANISTAN

[Original: Arabic]

Upon accession

The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the provisions of paragraphs 1 and 3 of article 48 of the International Covenant on Civil and Political Rights and provisions of paragraphs 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the international character of the aforesaid treaties. Therefore, in accordance with the equal right of all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States.

ALGERIA

[Original: French]

Upon ratification

The Algerian Government interprets article 1, which is common to the two Covenants, as in no case impairing the inalienable right of all peoples to self-determination and to control over their natural wealth and resources.

It further considers that the maintenance of the state of dependence of certain territories referred to in article 1, paragraph 3, of the two Covenants and in article 14 of the Covenant on Economic, Social and Cultural Rights is contrary to the purposes and principles of the United Nations, to the Charter of the Organization and to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)).

The Algerian Government interprets the provisions of article 8 of the Covenant on Economic, Social and Cultural Rights and article 22 of the Covenant on Civil and Political Rights as making the law the framework for action by the State with respect to the organization and exercise of the right to organize.

The Algerian Government considers that the provisions of article 13, paragraphs 3 and 4, of the Covenant on Economic, Social and Cultural Rights can in no case impair its right freely to organize its educational system.

The Algerian Government interprets the provisions of article 23, paragraph 4, of the Covenant on Civil and Political Rights regarding the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution as in no case impairing the essential foundations of the Algerian legal system.

AUSTRALIA

[Original: English]

Upon ratification

Articles 2 and 50*

Australia advises that, the people having united as one people in a Federal Commonwealth under the Crown, it has a federal constitutional system. It accepts that the provisions of the Covenant extend to all parts of

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* See the notification of withdrawal of these reservations and declarations in section C.

Australia as a Federal State without any limitations or exceptions. It enters a general reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2.

Under article 2, paragraph 2, steps to adopt measures necessary to give effect to the rights recognized in the Covenant are to be taken in accordance with each State Party's Constitutional processes which, in the case of Australia, are the processes of a federation in which legislative, executive and judicial powers to give effect to the rights recognized in the Covenant are distributed among the federal (Commonwealth) authorities and the authorities of the constituent States.

In particular, in relation to the Australian States the implementation of those provisions of the Covenant over whose subject matter the federal authorities exercise legislative, executive and judicial jurisdiction will be a matter for those authorities; and the implementation of those provisions of the Covenant over whose subject matter the authorities of the constituent States exercise legislative, executive and judicial jurisdiction will be a matter for those authorities; and where a provision has both federal and State aspects, its implementation will accordingly be a matter for the respective constitutionally appropriate authorities (for the purpose of implementation, the Northern Territory will be regarded as a constituent State).

To this end, the Australian Government has been in consultation with the responsible State and Territory Ministers with the object of developing cooperative arrangements to coordinate and facilitate the implementation of the Covenant.

Article 10

Australia accepts the principle stated in paragraph 1 of article 10 and the general principles of the other paragraphs of that article, but makes the reservation that these and other provisions of the Covenant are without prejudice to laws and lawful arrangements, of the type now in force in Australia, for the preservation of custodial discipline in penal establishments.* In relation to paragraph 2 (a) the principle of segregation is accepted as an objective to be achieved progressively. In relation to paragraphs 2 (b) and 3 (second sentence) the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned.

Article 14

Australia accepts paragraph 3 (b) on the understanding that the reference to adequate facilities does not require provision to prisoners of all the facilities available to a prisoner's legal representative.*

Australia accepts the requirement in paragraph 3 (d) that everyone is entitled to be tried in his presence, but reserves the right to exclude an accused person where his conduct makes it impossible for the trial to proceed.*

Australia interprets paragraph 3 (d) of article 14 as consistent with the operation of schemes of legal assistance in which the person assisted is required to make a contribution towards the cost of the defence related to his capacity to pay and determined according to law, or in which assistance is granted in respect of other than indictable offences, only after having regard to all relevant matters.*

Australia makes the reservation that the provision of compensation for miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provisions.

Article 17*

Australia accepts the principles stated in article 17 without prejudice to the right to enact and administer laws which, in so far as they authorize action which impinges on a person's privacy, family, home or correspondence, are necessary in a democratic society in the interests of national security, public safety, the economic well-being of the country, the protection of public health or morals or the protection of the rights and freedoms of others.

Article 19*

Australia interprets paragraph 2 of article 19 as being compatible with the regulation of radio and television broadcasting in the public interest with the object of providing the best possible broadcasting services to the Australian people.

Article 20

Australia interprets the rights provided for by articles 19, 21 and 22 as consistent with article 20; accordingly, the Commonwealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interests of public order (*ordre public*), the right is reserved not to introduce any further legislative provision on these matters.

Article 25*

The reference in paragraph (b) of article 25 to "universal and equal suffrage", is accepted without prejudice to law which provide that factors such as regional interest may be taken into account in defining electoral divisions, or which establish franchises for municipal and other local government elections related to the sources of revenue and the functions of such government.

Convicted persons

Australia declares that laws now in force in Australia relating to the rights of persons who have been convicted of serious criminal offences are generally consistent with the requirements of articles 14, 18, 19, 25 and 26 and reserves the right not to seek amendment of such laws.

Discrimination and distinction

The provisions of articles 2, paragraph 1, and 24, paragraph 1, 25 and 26 relating to discrimination and distinction between persons shall be without prejudice to laws designed to achieve for the members of some class or classes of persons equal enjoyment of the rights defined in the Covenant. Australia accepts article 26 on the basis that the object of the provision is to confirm the right of each person to equal treatment in the application of the law.

Declaration

Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth and the constituent States. The implementation of the treaty throughout Australia will be effected by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and arrangements concerning their exercise.

AUSTRIA

[Original: German]

Upon ratification

1. Article 12, paragraph 4, of the Covenant will be applied provided that it will not affect the Act of 3 April 1919, State Law Gazette No. 209, concerning the Expulsion and the Transfer of Property of the House of Habsburg-Lorraine as amended by the Act of 30 October 1919, State Law Gazette No. 501, the Federal Constitutional Act of 30 July 1925, Federal Law Gazette No. 292, and the Federal Constitutional Act of 26 January 1928, Federal Law Gazette No. 30, read in conjunction with the Federal Constitutional Act of 4 July 1963, Federal Law Gazette No. 172.

2. Article 9 and article 14 of the Covenant will be applied provided that legal regulations governing the proceedings and measures of deprivation of liberty as provided for in the Administrative Procedure Acts and in the Financial Penal Act remain permissible within the framework of the judicial review by the Federal Administrative Court or the Federal Constitutional Court as provided by the Austrian Federal Constitution.

3. Article 10, paragraph 3, of the Covenant will be applied provided that legal regulations allowing for juvenile prisoners to be detained together with adults under 25 years of age who give no reason for concern as to their possible detrimental influence on the juvenile prisoner remain permissible.

4. Article 14 of the Covenant will be applied provided that the principles governing the publicity of trials as set forth in article 90 of the Federal Constitutional Law as amended in 1929 are in no way prejudiced and that:

(a) Paragraph 3, subparagraph (d) is not in conflict with legal regulations which stipulate that an accused person who disturbs the orderly conduct of the trial or whose presence would impede the questioning of another accused person, of a witness or of an expert can be excluded from participation in the trial;

(b) Paragraph 5 is not in conflict with legal regulations which stipulate that after an acquittal or a lighter sentence passed by a court of the first instance, a higher tribunal may pronounce conviction or a heavier sentence for the same offence, while they exclude the convicted person's right to have such conviction or heavier sentence reviewed by a still higher tribunal;

(c) Paragraph 7 is not in conflict with legal regulations which allow proceedings that led up to a person's final conviction or acquittal to be reopened.

5. Articles 19, 21 and 22 in connection with article 2, paragraph 1, of the Covenant will be applied provided that they are not in conflict with legal restrictions as provided for in article 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

6. Article 26 is understood to mean that it does not exclude different treatment of Austrian nationals and aliens, as is also permissible under article 1, paragraph 2, of the International Convention on the Elimination of All Forms of Racial Discrimination.

BARBADOS

[Original: English]

Upon accession

The Government of Barbados states that it reserves the right not to apply in full, the guarantee of free legal assistance in accordance with paragraph 3 (d) of article 14 of the Covenant, since, while accepting the principles contained in the same paragraph, the problems of implementation are such that full application cannot be guaranteed at present.

BELARUS

[Original: Belarussian]

Declaration made upon signature and confirmed upon ratification

The Byelorussian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

BELGIUM

[Original: French]

Upon ratification

Reservations

1. With respect to articles 2, 3 and 25, the Belgian Government makes a reservation, in that under the Belgian Constitution the royal powers may be exercised only by males. With respect to the exercise of the functions of the regency, the said articles shall not preclude the application of the constitutional rules as interpreted by the Belgian State.

2. The Belgian Government considers that the provision of article 10, paragraph 2 (a), under which accused persons shall, save in exceptional circumstances, be segregated from convicted persons is to be intepreted in conformity with the principle, already embodied in the standard minimum rules, for the treatment of prisoners [resolution (73) 5 of the Committee of Ministers of the Council of Europe of 19 January 1973], that untried prisoners shall not be put in contact with convicted prisoners against their will [rules 7 (b) and 85 (1)]. If they so request, accused persons may be allowed to take part with convicted persons in certain communal activities.

3. The Belgian Government considers that the provisions of article 10, paragraph 3, under which juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status refers exclusively to the judicial measures provided for under the regime for the protection of minors established by the Belgian Act relating to the protection of young persons. As regards other juvenile ordinary-law offenders, the Belgian Government intends to reserve the option to adopt measures that may be more flexible and be designed precisely in the interest of the persons concerned.

4. With respect to article 14, the Belgian Government considers that the last part of paragraph 1 of the article appears to give States the option of providing or not providing for certain derogations from the principle that judgements shall be made public. Accordingly, the Belgian constitutional principle that there shall be no exceptions to the public pronouncements of judgements is in conformity with that provision. Paragraph 5 of the article shall not apply to persons who, under Belgian law, are convicted and sentenced at second instance following an appeal against their acquittal of first instance or who, under Belgian law, are brought directly before a higher tribunal such as the Court of Cassation, the Appeals Court or the Assize Court.

5. Articles 19, 21 and 22 shall be applied by the Belgian Government in the context of the provisions and restrictions set forth or authorized in articles 10 and 11 of the Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950, by the said Convention.

Declarations

6. The Belgian Government declares that it does not consider itself obligated to enact legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole shall be applied taking into account the rights to freedom of thought and religion, freedom of opinion and freedom of assembly and association proclaimed in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

7. The Belgian Government declares that it interprets article 23, paragraph 2, as meaning that the right of persons of marriageable age to marry and to found a family presupposes not only that national law shall prescribe the marriageable age but that it may also regulate the exercise of that right.

BULGARIA

[Original: English]

Upon ratification

The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by all States. In accordance with the principle of sovereign equality, no State has the right to bar other States from becoming parties to a covenant of this kind.

CONGO

[Original: French]

Upon accession

Reservation

The Government of the People's Republic of the Congo declares that it does not consider itself bound by the provisions of article 11 ...

Article 11 of the International Covenant on Civil and Political Rights is quite incompatible with articles 386 ff. of the Congolese Code of Civil, Commercial, Administrative and Financial Procedure, derived from Act 51/83 of 21 April 1983. Under those provisions, in matters of private law, decisions or orders emanating from conciliation proceedings may be enforced through imprisonment for debt when other means of enforcement have failed, when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith.

CZECH AND SLOVAK FEDERAL REPUBLIC

[Original: Czech]

Upon signature

The Czechoslovak Socialist Republic declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are in contradiction with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification

The provision of article 48, paragraph 1, is in contradiction with the principle that all States have the right to become parties to multilateral treaties regulating matters of general interest.

DENMARK

[Original: English]

Upon ratification

1. The Government of Denmark makes a reservation in respect of article 10, paragraph 3, second sentence. In Danish practice, considerable efforts are made to ensure appropriate age distribution of convicts serving sentences of imprisonment, but it is considered valuable to maintain possibilities of flexible arrangements.

2. (a) Article 14, paragraph 1, shall not be binding on Denmark in respect of public hearings. In Danish law, the right to exclude the press and the public from trials may go beyond what is permissible under this Covenant, and the Government of Denmark finds that this right should not be restricted.

(b) Article 14, paragraphs 5 and 7, shall not be binding on Denmark.

The Danish Administration of Justice Act contains detailed provisions regulating the matters dealt with in these two paragraphs. In some cases, Danish legislation is less restrictive than the Covenant (e.g. a verdict returned by a jury on the question of guilt cannot be reviewed by a higher tribunal, cf. para. 5); in other cases, Danish legislation is more restrictive than the Covenant (e.g. with respect to resumption of a criminal case in which the accused party was acquitted, cf. para. 7).

3. Reservation is further made to article 20, paragraph 1. This reservation is in accordance with the vote cast by Denmark in the sixteenth session of the General Assembly of the United Nations in 1961 when the Danish delegation, referring to the preceding article concerning freedom of expression, voted against the prohibition against propaganda for war.

FINLAND

[Original: English]

Upon ratification

Reservations

1. With respect to article 9, paragraph 3, of the Covenant, Finland declares that according to the present Finnish legislation the Administrative authorities may take decisions concerning arrest or imprisonment, in which event the case is taken up for decision in court only after a certain time lapse.

2. With respect to article 10, paragraphs 2 (b) and 3, of the Covenant, Finland declares that, although juvenile offenders are, as a rule, segregated from adults, it does not deem appropriate to adopt an absolute prohibition not allowing for more flexible arrangements.

3. With respect to article 13 of the Covenant, Finland declares that the article does not correspond to the present Finnish legislation regarding an alien's right to be heard or lodge a complaint in respect of a decision concerning his expulsion.*

4. With respect to article 14, paragraph 1, of the Covenant, Finland declares that under Finnish law a sentence can be declared secret if its publication could be an affront to morals or endanger national security.*

5. With respect to article 14, paragraph 3 (d), of the Covenant, Finland declares that the contents of this paragraph do not correspond to the present legislation in Finland inasmuch as it is a question of the defendant's absolute right to have legal assistance already at the stage of preliminary investigations.

6. With respect to article 14, paragraph 7, of the Covenant, Finland declares that it is going to pursue its present practice, according to which a sentence can be changed to the detriment of the convicted person, if it is established that a member or an official of the court, the prosecutor or the legal counsel have through criminal or fraudulent activities obtained the acquittal of the defendant or a substantially more lenient penalty, or if false evidence has been presented with the same effect, and according to which an aggravated criminal case may be taken up for reconsideration if, within a year, until then unknown evidence is presented, which would have led to conviction or a substantially more severe penalty.

7. With respect to article 20, paragraph 1, of the Covenant, Finland declares that it will not apply the provisions of this paragraph, this being compatible with the standpoint Finland already expressed at the sixteenth session of the United Nations General Assembly by voting against the prohibiton of propaganda for war, on the grounds that this might endanger the freedom of expression referred to in article 19 of the Covenant.

FRANCE

[Original: French]

Upon accession

Declarations and reservations

1. The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

2. The Government of the Republic enters the following reservation concerning article 4, paragraph 1: firstly, the circumstances enumerated in article 16 of the Constitution in respect of its implementation, in article 1 of the Act of 3 April 1978 and in the Act of 9 August 1849 in respect of the declaration of a state of siege, in article 1 of Act No. 55-385 of 3 April 1955 in respect of the declaration of a state of emergency and which enable these instruments to be implemented, are to be understood as meeting the purpose of article 4 of the Covenant; and, secondly, for the purpose of interpreting and implementing article 16 of the Constitution of the French Republic, the terms "to the extent strictly required by the exigencies of the situation" cannot limit the power of the President of the Republic to take "the measures required by circumstances".

3. The Government of the Republic enters a reservation concerning articles 9 and 14 to the effect that these articles cannot impede enforcement of the rules pertaining to the disciplinary regime in the armies.

4. The Government of the Republic declares that article 13 cannot derogate from chapter IV of Order No. 45-2658 of 2 November 1945 concerning the entry into, and sojourn in, France of aliens, nor from the other instruments concerning the expulsion of aliens in force in those parts of the territory of the Republic in which the Order of 2 November 1945 does not apply.

5. The Government of the Republic interprets article 14, paragraph 5, as stating a general principle to which the law may make limited exceptions, for example, in the case of certain offences subject to the initial and final adjudication of a police court and of criminal offences. However, an appeal against a final decision may be made to the Court of Cassation which rules on the legality of the decision concerned.

6. The Government of the Republic declares that articles 19, 21 and 22 of the Covenant will be implemented in accordance with articles 10, 11 and 16 of the European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950.

However, the Government of the Republic enters a reservation concerning article 19 which cannot derogate from the monopoly of the French radio and television broadcasting system.*

7. The Government of the Republic declares that the term "war", appearing in article 20, paragraph 1, is to be understood to mean war in contravention of international law and considers, in any case, that French legislation in this matter is adequate.

8. In the light of article 2 of the Constitution of the French Republic, the French Government declares that article 27 is not applicable so far as the Republic is concerned. 5/

GAMBIA

[Original: English]

Upon accession

For financial reasons free legal assistance for accused persons is limited in our Constitution to persons charged with capital offences only. The Government of the Gambia therefore wishes to enter a reservation in respect of article 14, paragraph 3 (d), of the Covenant in question.

GERMANY**

[Original: German]

Upon ratification

1. Articles 19, 21 and 22 in conjunction with article 2, paragraph 1, of the Covenant shall be applied within the scope of article 16 of the Convention of 4 November 1950 for the Protection of Human Rights and Fundamental Freedoms.

2. Article 14, paragraph 3 (d), of the Covenant shall be applied in such manner that it is for the court to decide whether an accused person held in custody has to appear in person at the hearing before the court of review (Revisionsgericht).

3. Article 14, paragraph 5, of the Covenant shall be applied in such manner that:

(a) A further appeal does not have to be instituted in all cases solely on the grounds that the accused person - having been acquitted by the lower court - was convicted for the first time in the proceedings concerned by the appellate court;

** Through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States united to form one sovereign State. As from the date of unification, the Federal Republic of Germany acts in the United Nations under the designation "Germany". The former German Democratic Republic ratified the Covenant on 8 November 1973.

(b) In the case of criminal offences of minor gravity the review by a higher tribunal of a decision not imposing imprisonment does not have to be admitted in all cases.

4. Article 15, paragraph 1, of the Covenant shall be applied in such manner that when provision is made by law for the imposition of a lighter penalty the hitherto applicable law may for certain exceptional categories of cases remain applicable to criminal offences committed before the law was amended. 6/

German Democratic Republic

[Original: English]

Upon ratification

The German Democratic Republic considers that article 48, paragraph 1, of the Covenant runs counter to the principle that all States which are guided in their policies by the purposes and principles of the United Nations Charter have the right to become parties to conventions which affect the interests of all States.

The German Democratic Republic has ratified the two Covenants in accordance with the policy it has so far pursued with the view to safeguarding human rights. It is convinced that these Covenants promote the worldwide struggle for the enforcement of human rights, which is an integral part of the struggle for the maintenance and strengthening of peace. On the occasion of the twenty-fifth anniversary of the Universal Declaration of Human Rights it thus contributes to the peaceful international cooperation of States, to the promotion of human rights and to the joint struggle against their violation by aggressive policies, colonialism and apartheid, racism and other forms of assaults on the right of the peoples to self-determination.

The Constitution of the German Democratic Republic guarantees the political, economic, social and cultural rights to every citizen independent of race, sex and religion. Socialist democracy has created the conditions for every citizen not only to enjoy these rights but also take an active part in their implementation and enforcement.

Such fundamental human rights as the right to peace, the right to work and social security, the equality of women, and the right to education have been fully implemented in the German Democratic Republic. The Government of the German Democratic Republic has always paid great attention to the material prerequisites for guaranteeing above all the social and economic rights. The welfare of the working people and its continuous improvement are the leitmotiv of the entire policy of the Government of the German Democratic Republic.

The Government of the German Democratic Republic holds that the signing and ratification of the two human rights Covenants by further Member States of the United Nations would be an important step to implement the aims for respecting and promoting the human rights, the aims proclaimed in the Charter of the United Nations.

GUINEA

[Original: French]

Upon ratification

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

GUYANA

[Original: English]

Upon ratification

In respect of article 14, paragraph 3

While the Government of the Republic of Guyana accepts the principle of legal aid in all appropriate criminal proceedings, is working towards that end and at present applies it in certain defined cases, the problems of implementation of a comprehensive legal aid scheme are such that full application cannot be guaranteed at this time.

In respect of article 14, paragraph 6

While the Government of the Republic of Guyana accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle.

HUNGARY

[Original: English]

Upon signature

The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants.

Upon ratification

The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of ... the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation.

ICELAND

[Original: Icelandic]

The ratification was accompanied by reservations with respect to the following provisions

1. Article 8, paragraph 3 (a), in so far as it affects the provisions of Icelandic law which provide that a person who is not the main provider of his family may be sentenced to a term at a labour facility in satisfaction of arrears in support payments for his child or children.

2. Article 10, paragraph 2 (b), and paragraph 3, second sentence, with respect to the separation of juvenile prisoners from adults. Icelandic law in principle provides for such separation but it is not considered appropriate to accept an obligation in the absolute form called for in the provisions of the Covenant.

3. Article 13, to the extent that it is inconsistent with the Icelandic legal provisions in force relating to the right of aliens to object to a decision on their expulsion.

4. Article 14, paragraph 7, with respect to the resumption of cases which have already been tried. The Icelandic law of procedure has detailed provisions on this matter which it is not considered appropriate to revise.

5. Article 20, paragraph 1, with reference to the fact that a prohibition against propaganda for war could limit the freedom of expression. This reservation is consistent with the position of Iceland at the General Assembly at its sixteenth session.

Other provisions of the Covenant shall be inviolably observed.

INDIA

[Original: English]

Upon accession

I. With reference to [...] article 1 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the words 'the right of self-determination' appearing in [that article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people or nation - which is the essence of national integrity.

II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further, under the Indian legal system, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

IV. With reference to [...] articles 12, 19, paragraphs 3, 21 and 22 of the International Covenant on Civil and Political Rights, the Government of the Republic of India declares that the provisions of the said articles shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India."

IRAQ

[Original: English]

Upon signature and confirmed upon ratification

The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants. 7/

The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights.

Upon ratification

Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant]. 7/

IRELAND

[Original: English]

Upon ratification

Article 6, paragraph 5

Pending the introduction of further legislation to give full effect to the provisions of paragraph 5 of article 6, should a case arise which is not covered by the provisions of existing law, the Government of Ireland will have regard to its obligations under the Covenant in the exercise of its power to advise commutation of the sentence of death.

Article 10, paragraph 2

Ireland accepts the principles referred to in paragraph 2 of article 10 and implements them so far as practically possible. It reserves the right to regard full implementation of these principles as objectives to be achieved progressively.

Article 14

Ireland reserves the right to have minor offences against military law dealt with summarily in accordance with current procedures which may not, in all respects, conform to the requirements of article 14 of the Covenant.

Ireland makes the reservation that the provision of compensation for the miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provisions.

Article 19, paragraph 2

Ireland reserves the right to confer a monopoly on or require the licensing of broadcasting enterprises.

Article 20, paragraph 1

Ireland accepts the principle in paragraph 1 of article 20 and implements it as far as it is practicable. Having regard to the difficulties in formulating a specific offence capable of ajudication at national level in such a form as to reflect the general principles of law recognized by the community of nations as well as the right to freedom of expression, Ireland reserves the right to postpone consideration of the possibility of introducing some legislative addition to, or variation of, existing law until such time as it may consider that such is necessary for the attainment of the objective of paragraph 1 of article 20.

Article 23, paragraph 4

Ireland accepts the obligations of paragraph 4 of article 23 on the understanding that the provision does not imply any right to obtain a dissolution of marriage.

ISRAEL

[Original: English]

Upon ratification

Declaration

Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence as well as on the life and property of its citizens.

These have taken the form of threats of war, of actual armed attacks, and campaigns of terrorism resulting in the murder of and injury to human beings.

In view of the above, the state of emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4(1) of the Covenant.

The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.

In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision.

Reservation

With reference to article 23 of the Covenant, and any other provision thereof to which the present reservation may be relevant, matters of personal status are governed in Israel by the religious law of the parties concerned.

To the extent that such law is inconsistent with its obligations under the Covenant, Israel reserves the right to apply that law.

ITALY

[Original: French]

Upon ratification

Article 9, paragraph 5

The Italian Republic, considering that the expression "unlawful arrest or detention" contained in article 9, paragraph 5, could give rise to differences of interpretation, declares that it interprets the aforementioned expression as referring exclusively to cases of arrest or detention contrary to the provisions of article 9, paragraph 1.

Article 12, paragraph 4

Article 12, paragraph 4, shall be without prejudice to the application of transitional provision XIII of the Italian Constitution, respecting prohibition of the entry into and sojourn in the national territory of certain members of the House of Savoy.

Article 14, paragraph 3

The provisions of article 14, paragraph 3 (*d*), are deemed to be compatible with existing Italian provisions governing trial of the accused in his presence and determining the cases in which the accused may present his own defence and those in which legal assistance is required.

Article 14, paragraph 5

Article 14, paragraph 5, shall be without prejudice to the application of existing Italian provisions which, in accordance with the Constitution of the Italian Republic, govern the conduct, at one level only, of proceedings instituted before the Constitutional Court in respect of charges brought against the President of the Republic and its Ministers.

Article 15, paragraph 1

With reference to article 15, paragraph 1, last sentence: "If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby", the Italian Republic deems this provision to apply exclusively to cases in progress.

Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision, for the imposition of a lighter penalty.

Article 19, paragraph 3

The provisions of article 19, paragraph 3, are interpreted as being compatible with the existing licensing system for national radio and television and with the restrictions laid down by law for local radio and television companies and for stations relaying foreign programmes.

JAPAN

[Original: English]

Upon ratification

... the Government of Japan declares that 'members ... of the police' referred to in ... paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.

LIBYAN ARAB JAMAHIRIYA

[Original: English]

Upon accession

The acceptance and the accession to this Covenant by the Libyan Arab Republic shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Republic into such dealings with Israel as are regulated by the Covenant. 7/

LUXEMBOURG

[Original: French]

Upon ratification

Interpretative declarations

The Government of Luxembourg considers that article 10, paragraph 3, which provides that juvenile offenders shall be segregated from adults and accorded treatment appropriate to their age and legal status, refers solely to the legal measures incorporated in the system for the protection of minors, which is the subject of the Luxembourg Youth Welfare Act. With regard to other juvenile offenders falling within the sphere of ordinary law, the Government of Luxembourg wishes to retain the option of adopting measures that might be more flexible and be designed to serve the interests of the persons concerned.

The Government of Luxembourg declares that it is implementing article 14, paragraph 5, since that paragraph does not conflict with the relevant Luxembourg legal statutes, which provide that, following an acquittal or a conviction by a court of first instance, a higher tribunal may deliver a sentence, confirm the sentence passed or impose a harsher penalty for the same crime. However, the tribunal's decision does not give the person declared guilty on appeal the right to appeal that conviction to a higher appellate jurisdiction.

Reservations

The Government of Luxembourg further declares that article 14, paragraph 5, shall not apply to persons who, under Luxembourg law, are remanded directly to a higher court or brought before the Assize Court.

The Government of Luxembourg accepts the provision in article 19, paragraph 2, provided that it does not preclude it from requiring broadcasting, television and film companies to be licensed.

The Government of Luxembourg declares that it does not consider itself obligated to adopt legislation in the field covered by article 20, paragraph 1, and that article 20 as a whole will be implemented taking into account the rights to freedom of thought, religion, opinion, assembly and association laid down in articles 18, 19 and 20 of the Universal Declaration of Human Rights and reaffirmed in articles 18, 19, 21 and 22 of the Covenant.

MALTA

[Original: English]

Upon accession

Reservations

Article 13

The Government of Malta endorses the principles laid down in article 13. However, in the present circumstances it cannot comply entirely with the provisions of this article.

Article 14, paragraph 2

The Government of Malta declares that it interprets paragraph 2 of article 14 of the Covenant in the sense that it does not preclude any particular law from imposing upon any person charged under such law the burden of proving particular facts.

Article 14, paragraph 6

While the Government of Malta accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with article 14, paragraph 6, of the Covenant.

Article 19

The Government of Malta desiring to avoid any uncertainty as regards the application of article 19 of the Covenant declares that the Constitution of Malta allows such restrictions to be imposed upon public officers in regard to their freedom of expression as are reasonably justifiable in a democratic society. The Code of Conduct of public officers in Malta precludes them from taking an active part in political discussions or other political activity during working hours or on the premises.

The Government of Malta also reserves the right not to apply article 19 to the extent that this may be fully compatible with Act 1 of 1987 entitled "An Act to regulate the limitations on the political activities of aliens', and this in accordance with article 16 of the Convention of Rome (1950) for the protection of Human Rights and Fundamental Freedoms or with section 41 (2) (a) (ii) of the Constitution of Malta.

Article 20

The Government of Malta interprets article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant but reserves the right not to introduce any legislation for the purposes of article 20.

Article 22

The Government of Malta reserves the right not to apply article 22 to the extent that existing legislative measures may not be fully compatible with this article.

MEXICO

[Original: Spanish]

Upon accession

Interpretative statements

Article 9, paragraph 5

Under the Political Constitution of the United Mexican States and the relevant implementing legislation, every individual enjoys the guarantees relating to penal matters embodied therein, and consequently no person may be unlawfully arrested or detained. However, if by reason of false accusation or complaint any individual suffers an infringement of this basic right, he has, inter alia, under the provisions of the appropriate laws, an enforceable right to just compensation.

Article 18

Under the Political Constitution of the United Mexican States, every person is free to profess his preferred religious belief and to practice its ceremonies, rites and religious acts, with the limitation, with regard to public religious acts, that they must be performed in places of worship and, with regard to education, that studies carried out in establishments designed for the professional education of ministers of religion are not officially recognized. The Government of Mexico believes that these limitations are included among those established in paragraph 3 of this article.

Reservations

Article 13

The Government of Mexico makes a reservation to this article, in view of the present text of article 33 of the Political Constitution of the United Mexican States.

Article 25, subparagraph (b)

The Government of Mexico also makes a reservation to this provision, since article 130 of the Political Constitution of the United Mexican States provides that ministers of religion shall have neither an active nor a passive vote, nor the right to form associations for political purposes.

MONGOLIA

[Original: English]

Declaration made upon signature and renewed upon ratifiction

[Same declaration, mutatis mutandis, as that made by the Byelorussian Soviet Socialist Republic, see page 9.]

NETHERLANDS

[Original: English]

Upon ratification

Reservations

Article 10

The Kingdom of the Netherlands subscribes to the principle set out in paragraph 1 of this article, but it takes the view that ideas about the treatment of prisoners are so liable to change that it does not wish to be bound by the obligations set out in paragraph 2 and paragraph 3 (second sentence) of this article.

Article 12, paragraph 1

The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a State for the purpose of this provision.

Article 12, paragraphs 2 and 4

The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions.

Article 14, paragraph 3 (d)

The Kingdom of the Netherlands reserves the statutory option of removing a person charged with a criminal offence from the courtroom in the interests of the proper conduct of the proceedings.

Article 14, paragraph 5

The Kingdom of the Netherlands reserves the statutory power of the Supreme Court of the Netherlands to have sole jurisdiction to try certain categories of persons charged with serious offences committed in the discharge of a public office.

Article 14, paragraph 7

The Kingdom of the Netherlands accepts this provision only in so far as no obligations arise from it further to those set out in article 68 of the Criminal Code of the Netherlands and article 70 of the Criminal Code of the Netherlands Antilles as they now apply. They read:

1. Except in cases where court decisions are eligible for review, no person may be prosecuted again for an offence in respect of which a court in the Netherlands or the Netherlands Antilles has delivered an irrevocable judgement.

2. If the judgement has been delivered by some other court, the same person may not be prosecuted for the same offence in the case of (i) acquittal or withdrawal of proceedings or (ii) conviction followed by complete execution, remission or lapse of the sentence.

Article 19, paragraph 2

The Kingdom of the Netherlands accepts the provision with the proviso that it shall not prevent the Kingdom from requiring the licensing of broadcasting, television or cinema enterprises.

Article 20, paragraph 1

The Kingdom of the Netherlands does not accept the obligation set out in this provision in the case of the Netherlands.

Article 25 (c)

The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles.*

Explanation

[The Kingdom of the Netherlands clarifies] that although the reservations [...] are partly of an interpretational nature, [it] has preferred reservations to interpretational declarations in all cases, since if the latter form were used doubt might arise concerning whether the text of the Covenant allows for the interpretation put upon it. By using the reservation form the Kingdom of the Netherlands wishes to ensure in all cases that the relevant obligations arising out of the Covenant will not apply to the Kingdom, or will apply, only in the way indicated.

NEW ZEALAND

[Original: English]

Upon ratification

Reservations

The Government of New Zealand reserves the right not to apply article 10, paragraph 2 (b), or paragraph 3, in circumstances where the shortage of suitable facilities makes the mixing of juveniles and adults unavoidable; and further reserves the right not to apply article 10, paragraph 3, where the interests of other juveniles in an establishment require the removal of a particular juvenile offender or where mixing is considered to be of benefit to the persons concerned.

The Government of New Zealand reserves the right not to apply article 14, paragraph 6, to the extent that it is not satisfied by the existing system for *ex gratia* payments to persons who suffer as a result of a miscarriage of justice.

The Government of New Zealand having legislated in the areas of the advocacy of national and racial hatred and the exciting of hostility or ill will against any group of persons, and having regard to the right of freedom of speech, reserves the right not to introduce further legislation with regard to article 20.

The Government of New Zealand reserves the right not to apply article 22 as it relates to trade unions to the extent that existing legislative measures, enacted to ensure effective trade-union representation and encourage orderly industrial relations, may not be fully compatible with that article."

NORWAY

[Original: English]

Upon ratification

Subject to reservations to article 6, paragraph 4,* article 10, paragraph 2 (b) and paragraph 3, "with regard to the obligation to keep accused juvenile persons and juvenile offenders segregated from adults" and to article 14, paragraphs 5 and 7, and to article 20, paragraph 1.

REPUBLIC OF KOREA

[Original: Korean]

Upon accession

The Government of the Republic of Korea [declares] that the provisions of paragraphs 5 and 7 of article 14, article 22 and paragraph 4 of article 23* of the Covenant shall be so applied as to be in conformity with the provisions of the local laws including the Constitution of the Republic of Korea.

ROMANIA

[Original: French]

Upon signature

The Government of the Socialist Republic of Romania declares that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in article 1, paragraph 3, of the International Covenant on Civil and Political Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

RUSSIAN FEDERATON

[Original: Russian]

Declaration made upon signature and confirmed upon ratification

[Same declaration, *mutatis mutandis*, as that made by the Byelorussian Soviet Socialist Republic, see page 9.]

SWEDEN

[Original: French]

Upon ratification

Sweden reserves the right not to apply the provisions of article 10, paragraph 3, with regard to the obligation to segregate juvenile offenders from adults, the provisions of article 14, paragraph 7, and the provisions of article 20, paragraph 1, of the Covenant.

SYRIAN ARAB REPUBLIC

[Original: French]

Upon accession

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

TRINIDAD AND TOBAGO

[Original: English]

Upon accession

(i) The Government of the Republic of Trinidad and Tobago reserves the right not to apply in full the provision of paragraph 2 of article 4 of the Covenant since section 7 (3) of its Constitution enables Parliament to enact legislation even though it is inconsistent with sections (4) and (5) of the said Constitution.

(ii) Where at any time there is a lack of suitable prison facilities, the Government of the Republic of Trinidad and Tobago reserves the right not to apply article 10, paragraphs 2 (b) and 3, so far as those provisions require juveniles who are detained to be accommodated separately from adults.

(iii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 2 of article 12 in view of the statutory provisions requiring persons intending to travel abroad to furnish tax clearance certificates.

(iv) The Government of the Republic of Trinidad and Tobago reserves the right not to apply paragraph 5 of article 14 in view of the fact that section 43 of its Supreme Court of Judicature Act No. 12 of 1962 does not confer on a person convicted on indictment an unqualified right of appeal and that in particular cases, appeal to the Court of Appeal can only be done with the leave of the Court of Appeal itself or of the Privy Council.

(v) While the Government of the Republic of Trinidad and Tobago accepts the principle of compensation for wrongful imprisonment, it is not possible at this time to implement such a principle in accordance with paragraph 6 of article 14 of the Covenant.

(vi) With reference to the last sentence of paragraph 1 of article 15. - 'If, subsequent to the commission of the offence, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby', the Government of the Republic of Trinidad and Tobago deems this provision to apply exclusively to cases in progress. Consequently, a person who has already been convicted by a final decision shall not benefit from any provision made by law, subsequent to that decision for the imposition of a lighter penalty. 8/

(vii) The Government of the Republic of Trinidad and Tobago reserves the right to impose lawful and or reasonable restrictions with respect to the right of assembly under article 21 of the Covenant.

(viii) The Government of the Republic of Trinidad and Tobago reserves the right not to apply the provision of article 26 of the Covenant in so far as it applies to the holding of property in Trinidad and Tobago, in view of the fact that licences may be granted to or withheld from aliens under the Aliens Landholding Act of Trinidad and Tobago.

UKRAINE

[Original: Russian]

Declaration made upon signature and confirmed upon ratification

[Same declaration, mutatis mutandis, as that made by the Byelorussian Soviet Socialist Republic, see page 9.]

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

Upon signature

First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter (in particular, under Articles 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

Secondly, the Government of the United Kingdom declare that:

(a) In relation to article 14 of the Covenant, they must reserve the right not to apply, or not to apply in full, the guarantee of free legal assistance contained in subparagraph (d) of paragraph 3 in so far as the shortage of legal practitioners and other considerations render the application of this guarantee in British Honduras, Fiji and St. Helena impossible;

(b) In relation to article 23 of the Covenant, they must reserve the right not to apply the first sentence of paragraph 4 in so far as it concerns any inequality which may arise from the operation of the law of domicile;

(c) In relation to article 25 of the Covenant, they must reserve the right not to apply:

(i) Subparagraph (b) in so far as it may require the establishment of an elected legislature in Hong Kong and the introduction of equal suffrage, as between different electoral rolls, for elections in Fiji; and

(ii) Subparagraph (c) in so far as it applies to jury service in the Isle of Man and to the employment of married women in the Civil Service of Northern Ireland, Fiji, and Hong Kong.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

Upon ratification

Firstly the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

The Government of the United Kingdom reserve the right to apply to members of and persons serving with the armed forces of the Crown and to persons lawfully detained in penal establishments of whatever character such laws and procedures as they may from time to time deem to be necessary for the preservation of service and custodial discipline and their acceptance of the provisions of the Covenant is subject to such restrictions as may for these purposes from time to time be authorized by law.

Where at any time there is a lack of suitable prison facilities or where the mixing of adults and juveniles is deemed to be mutually beneficial, the Government of the United Kingdom reserve the right not to apply article 10, paragraphs 2 (b) and 3, so far as those provisions require juveniles who are detained to be accommodated separately from adults, and not to apply article 10, paragraph 2 (a), in Gibraltar, Montserrat and the Turks and Caicos Islands in so far as it requires segregation of accused and convicted persons.

The Government of the United Kingdom reserve the right not to apply article 11 in Jersey.

The Government of the United Kingdom reserve the right to interpret the provisions of article 12, paragraph 1, relating to the territory of a State as applying separately to each of the territories comprising the United Kingdom and its Dependencies.

The Government of the United Kingdom reserve the right to continue to apply such immigration legislation governing entry into, stay in the departure from the United Kingdom as they may deem necessary from time to time and accordingly, their acceptance of article 12, paragraph 4, and of the other provisions of the Covenant is subject to the provisions of any such legislation as regards persons not at the time having the right under the law of the United Kingdom to enter and remain in the United Kingdom. The United Kingdom also reserves a similar right in regard to each of its dependent territories.

The Government of the United Kingdom reserve the right not to apply article 13 in Hong Kong in so far as it confers a right of review of a decision to deport an alien and a right to be represented for this purpose before the competent authority.

The Government of the United Kingdom reserve the right not to apply or not to apply in full the guarantee of free legal assistance in subparagraph (d) of paragraph 3 of article 14 in so far as the shortage of legal practitioners renders the application of this guarantee impossible in the British Virgin Islands, the Cayman Islands, the Falkland Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies and Tuvalu.

The Government of the United Kingdom interpret article 20 consistently with the rights conferred by articles 19 and 21 of the Covenant and having legislated in matters of practical concern in the interests of public order (ordre public) reserve the right not to introduce any further legislation. The United Kingdom also reserves a similar right in regard to each of its dependent territories.

The Government of the United Kingdom reserve the right to postpone the application of paragraph 3 of article 23 in regard to a small number of customary marriages in the Solomon Islands.

The Government of the United Kingdom reserve the right to enact such nationality legislation as they may deem necessary from time to time to reserve the acquisition and possession of citizenship under such legislation to those having sufficient connection with the United Kingdom or any of its dependent territories and accordingly their acceptance of article 24, paragraph 3, and of the other provisions of the Covenant is subject to the provisions of any such legislation.

The Government of the United Kingdom reserve the right not to apply subparagraph (b) of article 25 in so far as it may require the establishment of an elected Executive or Legislative Council in Hong Kong and subparagraph (c) of article 25 in so far as it relates to jury service in the Isle of Man.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

VENEZUELA

[Original: Spanish]

Upon ratification

Article 60, paragraph 5, of the Constitution of the Republic of Venezuela establishes that: "No person shall be convicted in a criminal trial unless he has first been personally notified of the charges and heard in the manner prescribed by law. Persons accused of an offence against the *res publica* may be tried *in absentia*, with the guarantees and in the manner prescribed by law". Venezuela is making this reservation because article 14, paragraph 3 (d), of the Covenant makes no provision for persons accused of an offence against the *res publica* to be tried *in absentia*.

VIET NAM

[Original: Vietnamese]

Upon accession

The Government of the Socialist Republic of Viet Nam deems it necessary to declare that the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights, and article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation.

YEMEN

[Original: Arabic]

Upon accession

The accession of the People's Democratic Republic of Yemen to this Covenant shall in no way signify recognition of Israel or serve as grounds for the establishment of relations of any sort with Israel.

C. Notifications of withdrawal of certain reservations and declarations ***

AUSTRALIA

[Original: English]
[6 November 1984]

Withdrawal of certain reservations and declarations

... The Government of Australia notifies the Secretary-General of its decision to withdraw the reservations and declarations made upon ratification with the exception of the following reservations:

Article 10

"In relation to paragraph 2 (a) the principle of segregation is accepted as an objective to be achieved progressively. In relation to paragraphs 2 (b) and 3 (second sentence) the obligation to segregate is accepted only to the extent that such segregation is considered by the responsible authorities to be beneficial to the juveniles or adults concerned."

*** For the text of the reservations and declarations made by Governments upon ratification, see section B above.

Article 14

"Australia makes the reservation that the provision of compensation for miscarriage of justice in the circumstances contemplated in paragraph 6 of article 14 may be by administrative procedures rather than pursuant to specific legal provision."

Article 20

"Australia interprets the rights provided for by articles 19, 21 and 22 as consistent with article 20; accordingly, the Commonwealth and the constituent States, having legislated with respect to the subject matter of the article in matters of practical concern in the interests of public order (ordre public), the right is reserved not to introduce any further legislative provision on these matters."

Declaration

"Australia has a federal constitutional system in which legislative, executive and judicial powers are shared or distributed between the Commonwealth and the constituent States. The implementation of the treaty throughout Australia will be effected by the Commonwealth, State and Territory authorities having regard to their respective constitutional powers and arrangements concerning their exercise."

FINLAND

[Original: English]
[29 March 1985]

Withdrawal of some reservations made upon ratification

The Government of Finland notified the Secretary-General of its decision to withdraw the following reservations made upon ratification:

"3. With respect to article 13 of the Covenant, Finland declares that the article does not correspond to the present Finnish legislation regarding an alien's right to be heard or lodge a complaint in respect of a decision concerning his expulsion.

"4. With respect to article 14, paragraph 1, of the Covenant, Finland declares that under Finnish law a sentence can be declared secret if its publication could be an affront to morals or endanger national security."

The notification specifies that the withdrawal was effected because the relevant provisions of Finnish legislation have been amended to correspond fully to articles 13 and 14, paragraph 1, of the Covenant.

The said withdrawal took effect on 29 March 1985, the date of receipt of the notification.

[Original: English]
[26 July 1990]

Withdrawal of some reservations made upon ratification

The Government of Finland notified the Secretary-General of its decision to withdraw the following reservations made upon ratification:

"1. With respect to article 9, paragraph 3, of the Covenant Finland declares that according to the present Finnish legislation the administrative authorities may take decisions concerning arrest or imprisonment, in which event the case is taken up for decision in court only after a certain time lapse;

"5. With respect to article 14, paragraph 3 (d), of the Covenant, Finland declares that the contents of this paragraph do not correspond to the present legislation in Finland inasmuch as it is a question of the defendant's absolute right to have legal assistance already at the stage of preliminary investigations."

FRANCE

[Original: French]
[22 March 1988]

Withdrawal of a reservation made upon accession

The Government of France notified the Secretary-General of its decision to withdraw the following reservation, made upon accession:

"However, the Government of the Republic enters a reservation concerning article 19 which cannot derogate from the monopoly of the French radio and television broadcasting system."

The said withdrawal took effect on 22 March 1988, the date of receipt of the notification.

NETHERLANDS

[Original: English]
[20 December 1983]

Withdrawal of a reservation made by the Netherlands upon ratification

The Government of the Netherlands notified the Secretary-General of its decision to withdraw the reservation it had made upon ratification with regard to article 25 (c) of the Covenant (to the effect that the Netherlands did not accept that provision in the case of the Netherlands Antilles).

NORWAY

[Original: English]
[12 December 1979]

Withdrawal of a reservation

In a notification received by the Secretary-General on 12 December 1979, the Government of Norway withdrew the reservation formulated in respect of article 6, paragraph 4.

REPUBLIC OF KOREA

[Original: Korean]
[15 March 1991]

The Government of the Republic of Korea notified the Secretary-General of its decision to withdraw the reservation to paragraph 4 of article 23, made upon accession.

D. Objections and declarations concerning certain reservations and declarations ****

(Unless otherwise indicated, the objections were made upon ratification or accession)

ARGENTINA

[Original: Spanish]
[3 October 1983]

[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the "Falkland Islands".

The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension.

BELGIUM

[Original: French]
[6 November 1984]

[The Belgian Government] wishes to observe that the sphere of application of article 11 is particularly restricted. In fact, article 11 prohibits imprisonment only when there is no reason for resorting to it other than the fact that the debtor is unable to fulfil a contractual obligation.

**** For the text of the declarations or reservations referred to in this section, see section B above.

Imprisonment is not incompatible with article 11 when there are other reasons for imposing this penalty, for example when the debtor, by acting in bad faith or through fraudulent manoeuvres, has placed himself in the position of being unable to fulfil his obligations. This interpretation of article 11 can be confirmed by reference to the travaux préparatoires (see document A/2929 of 1 July 1955).

After studying the explanations provided by the Congo concerning its reservations, [the Belgian Government] has provisionally concluded that this reservation is unnecessary. It is its understanding that the Congolese legislation authorizes imprisonment for debt when other means of enforcement have failed when the amount due exceeds 20,000 CFA francs and when the debtor, between 18 and 60 years of age, makes himself insolvent in bad faith. The latter condition is sufficient to show that there is no contradiction between the Congolese legislation and the letter and the spirit of article 11 of the Covenant.

By virtue of article 4, paragraph 2, of the aforementioned Covenant, article 11 is excluded from the sphere of application of the rule which states that in the event of an exceptional public emergency, the States parties to the Covenant may, in certain conditions, take measures derogating from their obligations under the Covenant. Article 11 is one of the articles containing a provision from which no derogation is permitted in any circumstances. Any reservation concerning that article would destroy its effects and would therefore be in contradiction with the letter and the spirit of the Covenant.

Consequently, and without prejudice to its firm belief that Congolese law is in complete conformity with the provisions of article 11 of the Covenant, [the Belgian Government] fears that the reservation made by the Congo may, by reason of its very principle, constitute a precedent which might have considerable effects at the international level.

[The Belgian Government] therefore hopes that this reservation will be withdrawn and, as a precautionary measure, wishes to raise an objection to that reservation.

CZECH AND SLOVAK FEDERAL REPUBLIC

[Original: English]
[7 June 1991]

The Government of the Czech and Slovak Federal Republic considers the reservations entered by the Government of the Republic of Korea to the provisions of paragraphs 5 and 7 of article 14 and article 22 of the International Covenant on Civil and Political Rights as incompatible with the object and purpose of the Covenant. In the opinion of the Czechoslovak Government these reservations are in contradiction to the generally recognized principle of international law according to which a State cannot invoke the provisions of its own internal law as justificiation for its failure to perform a treaty.

Therefore, the Czech and Slovak Federal Republic does not recognize these reservations as valid. Nevertheless the present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the Czech and Slovak Federal Republic and the Republic of Korea.

FRANCE

[Original: French]
[4 November 1980]

The Government of the Republic takes objection to the reservation entered by the Government of the Republic of India to article 1 of the International Covenant on Civil and Political Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

GERMANY

[Original: English]
[15 August 1980]

The Government of the Federal Republic of Germany strongly objects, ... to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and of article 1 of the International Covenant on Civil and Political Rights.

The right of self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the right of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants.

[21 April 1982]

The Government of the Federal Republic of Germany objects to [reservation (i) by the Government of Trinidad and Tobago]. In the opinion of the Government of the Federal Republic of Germany it follows from the text and the history of the Covenant that the said reservation is incompatible with the object and purpose of the Covenant.

[Original: German]
[25 October 1990]

The Federal Republic of Germany states the following regarding the declarations made by Algeria upon deposit of its instrument of ratification to the International Covenant of 16 December 1966 on Economic, Social and Cultural Rights and the International Covenant of 16 December 1966 on Civil and Political Rights:

It interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibilities of spouses as to marriage, during marriage and at its dissolution.

[Original: German]
[24 May 1991]

The Federal Republic of Germany states the following regarding the declaration made by the Republic of Korea upon deposit of its instrument of accession to the International Covenant of 16 December 1966 on Civil and Political Rights:

It interprets the declaration to mean that the Republic of Korea does not intend to restrict its obligations under article 22 by referring to its domestic legal system.

NETHERLANDS

[Original: English]
[12 June 1980]

In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the Covenant that [reservation (i) by the Government of Trinidad and Tobago] is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[12 January 1981]

The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self-determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

[17 September 1981]

I. Reservation by Australia regarding articles 2 and 50

The reservation that article 2, paragraphs 2 and 3, and article 50 shall be given effect consistently with and subject to the provisions in article 2, paragraph 2, is acceptable to the Kingdom on the understanding that it will in no way impair Australia's basic obligation under international law, as laid down in article 2, paragraph 1, to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the International Covenant on Civil and Political Rights.

II. Reservation by Australia regarding article 10

The Kingdom is not able to evaluate the implications of the first part of the reservation regarding article 10 on its merits, since Australia has given no further explanation on the laws and lawful arrangements, as referred to in the text of the reservation. In expectation of further clarification by Australia, the Kingdom for the present reserves the right to raise objection to the reservation at a later stage.

III. Reservation by Australia regarding Convicted Persons

The Kingdom finds it difficult, for the same reasons as mentioned in its commentary on the reservation regarding article 10, to accept the declaration by Australia that it reserves the right not to seek amendment of laws now in force in Australia relating to the rights of persons who have been convicted of serious criminal offences. The Kingdom expresses the hope that it will be possible to gain a more detailed insight into the laws now in force in Australia, in order to facilitate a definitive opinion on the extent of this reservation.

[Original: English]
[18 March 1991]

In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration concerning article 23, paragraph 4 of the International Covenant on Civil and Political Rights (adopted by the General Assembly of the United Nations on 16 December 1966) must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 23, paragraph 4 made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[This objection is] not an obstacle to the entry into force of [the Covenant] between the Kingdom of the Netherlands and Algeria.

[Original: English]
[10 June 1991]

In the opinion of the Government of the Kingdom of the Netherlands it follows from the text and the history of the International Covenant on Civil and Political Rights that the reservations with respect to articles 14, paragraphs 5 and 7 and 22 of the Covenant made by the Government of the Republic of Korea are incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises objection to it. This objection is not an obstacle to the entry into force of this Covenant between the Kingdom of the Netherlands and the Republic of Korea.

PORTUGAL

[Original: English]
[26 October 1990]

The Government of Portugal hereby presents its formal objection to the interpretative declarations made by the Government of Algeria upon ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The Government of Portugal having examined the contents of the said declarations reached the conclusion that they can be regarded as reservations and therefore should be considered invalid as well as incompatible with the purposes and object of the Covenants.

This objection shall not preclude the entry into force of the Covenants between Portugal and Algeria.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]
[28 February 1985]

The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of each of the above treaties, to extend the application of the Covenants in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

For this reason alone, the Government of the United Kingdom are unable to regard the Argentine communications under reference as having any legal effect.

The Government of the United Kingdom of Great Britain and Northern Ireland rejects the statements made by the Argentine Republic, regarding the Falkland Islands and South Georgia and the South Sandwich Islands, when ratifying the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and when acceding to the Optional Protocol to the latter.

The Government of the United Kingdom of Great Britain and Northern Ireland has no doubt as to British sovereignty over the Falkland Islands and South Georgia and the South Sandwich Islands and its consequent right to extend treaties to those territories.

[Original: English]
[25 May 1991]

The Government of the United Kingdom have noted the statement formulated by the Government of the Republic of Korea on accession, under the title "RESERVATIONS". They are not however able to take a position on these purported reservations in the absence of a sufficient indication of their intended effect, in accordance with the terms of the Vienna Convention on the Law of Treaties and the practice of the Parties to the Covenant. Pending receipt of such an indication, the Government of the United Kingdom reserve their rights under the Covenant in their entirety.

E. Notifications under article 4, paragraph 3, of the Covenant

ALGERIA

[Original: French]
[19 June 1991]

In view of public disturbances and the threat of deterioration of the situation ... a state of siege has been proclaimed, beginning at midnight in the night of 4/5 June 1991, for a period of four months throughout Algerian territory.

The Government of Algeria subsequently specified that these disturbances had been fomented with a view to preventing the general elections to be held on 27 June 1991 and to challenge the ongoing democratic process; and that in view of the insurrectional situation which threatened the stability of the institutions, the security of the people and their property, and the normal operation of the public services, it had been necessary to derogate from the provisions of articles 9 (3), 12 (1), 17, 19 (2) and 21 of the Covenant.

The said state of siege was terminated throughout Algeria on 29 September 1991.

[14 February 1992]

(Dated 13 February 1992)

Issurance of Presidential Decree No. 92-44 of 9 February 1992 declaring a state of emergency throughout the national territory with effect from 9 February 1992 for a duration of 12 months. The notification stipulates that the decree was issued in view of the serious threats to public order and the safety of individuals over the preceding weeks, the growth of such threats during the month of February 1992 and the aggravation of the situation. The establishment of the state of emergency, which is aimed essentially at restoring public order, protecting the safety of individuals and property and ensuring the normal operation of institutions and public services, does not interfere with the democratic process inasmuch as the exercise of fundamental rights and freedoms continues to be guaranteed.

[24 March 1992]

(Dated 23 March 1992)

Clarification that the state of emergency declared on 9 February 1992 derogates specifically from paragraph 3 of article 9, paragraph 12 of article 12, article 17 and article 21 of the Covenant.

ARGENTINA

[Original: Spanish]
[7 June 1989]

(Dated 7 June 1989)

Proclamation of the state of siege throughout the national territory for a period of 30 days in response to events [attacks and looting of retail shops, vandalism, use of firearms] whose seriousness jeopardizes the effective enjoyment of human rights and fundamental freedoms by the entire community. (Derogation from articles 9 and 21.)

[12 July 1989]

(Dated 11 July 1989)

Termination of the state of siege as from 27 June 1989 throughout the national territory.

BOLIVIA

[Original: Spanish]
[1 October 1985]

(Dated 27 September 1985)

By Supreme Decree No. 21069, the Government of Bolivia declared a temporary state of siege throughout the country, with effect from 18 September 1985.

The notification specifies that the Government of Bolivia has been compelled to declare a temporary state of siege in order to discharge its obligation to ensure the maintenance of the rule of law, the constitutional system, democratic continuity and the safeguarding of the country's institutions and public order, these being essential to the life of the Republic and to the process of economic recovery initiated by the Government so as to save Bolivia from the scourge of hyperinflation, which had come to threaten the very life of the country.

The notification further specifies that the measure was adopted to counter the social unrest which sought to supplant the legitimately constituted authorities by establishing itself as an authority which publicly proclaimed the repudiation of the law and openly called for subversion, and to counter the occupation of State facilities and buildings and the interruption of services which are essential to the normal pursuit of all public activities.

[29 October 1985]

(28 October 1985)

In a complimentary notification dated 28 October 1985, received on 29 October 1985, the Government of Bolivia indicated that the provisions of the Covenant from which it is derogated from concern articles 9, 12 and 21.

[9 January 1986]

(6 January 1986)

On 9 January 1986, the Secretary-General received from the Government of Bolivia a notification dated 6 January 1986, made under article 4 of the above-mentioned Covenant, to the effect that, at the end of the constitutional period of 90 days, the Supreme Government had not found it necessary to prolong the emergency situation and that the guarantees and rights of citizens had been fully restored throughout the national territory, with effect from 19 December 1985 and advising that, accordingly, the provisions of the Covenant were again being implemented in accordance with the stipulations of its relevant articles.

[29 August 1986]

(28 August 1986)

The notification indicates that the state of emergency was proclaimed because of serious political and social disturbances, *inter alia*: a general strike in Potosi and Druro which paralysed illegally those cities; the hyperinflationary crisis suffered by the country; the need for rehabilitation of the Bolivian mining structures; the subversive activities of the extreme left; the desperate reaction of the drug trafficking mafia in response to the Government's successful campaign of eradication; and in general plans aiming to overthrow the constitutional Government.

[28 November 1986]

(Dated 28 November 1986)

Notification, identical in essence, *mutatis mutandis*, as that of 9 January 1986; with effect from 29 November 1986.

[17 November 1989]

(Dated 16 November 1989)

Proclamation of a state of siege throughout the Bolivian territory. The notification indicates that this measure was necessary to restore peace which had been seriously breached owing to demands of an economic nature, but with a subversive purpose that would have put an end to the process of economic stabilization. The provisions of the Covenant from which it is derogated from concern articles 9, 12 and 21 of the Covenant.

[22 March 1990]

(Dated 18 March 1990)

Termination of the state of emergency as from 15 February 1990.

CHILE

[Original: Spanish]
[7 September 1976]

Chile signed the Covenant on Civil and Political Rights and ratified it on 10 February 1972. This Covenant entered into force internationally on [23] March 1976.

[Chile] has been under a state of siege for reasons of internal defence since 11 March 1976; the state of siege was legally proclaimed by Legislative Decree No. 1.369.

The proclamation was made in accordance with the constitutional provisions concerning state of siege, which have been in force since 1925, in view of the inescapable duty of the government authorities to preserve public order and the fact that there continue to exist in Chile extremist seditious groups whose aim is to overthrow the established Government.

As a consequence of the proclamation of the state of siege, the rights referred to in articles 9, 12, 13, 19 and 25 (b) of the Covenant on Civil and Political Rights have been restricted in Chile.

Derogation from these rights is expressly authorized by article 4, paragraph 1, of the Covenant.

[14 November 1984]

Under Supreme Decree No. 1.200 of 6 November 1984, the Government declared a state of siege throughout Chilean territory until 4 February 1985, with the prior agreement of the Government Junta and in keeping with the terms of article 40, paragraph 2, and the fifteenth Transitional Provision, (B), (4), of the Constitution of the Republic.

The reasons that have required application of this emergency measure under the Constitution lie in the unprecedented escalation of terrorism, which has recently caused the country the loss of many human lives, a great deal of property, both public and private, and substantial harm to the economy.

The terrorist action itself has been combined with subversive preparations for a general stoppage of the activities of the nation and with a very large number of illegal acts involving a broad range of offences punishable under Chilean criminal law which was already in existence before the present Government.

Under the declaration of the state of siege, the President of the Republic may order the transfer of persons from one place to another within Chilean territory, to urban areas in each instance; house arrest or custody of persons in places which are not prisons or in others which are not intended for the detention or imprisonment of common criminals; and expel persons from Chilean territory. He may, in addition, restrict freedom of movement and prohibit specified persons from entering and leaving the country. Similarly, he may suspend or restrict exercise of the right of assembly and freedom of information and opinion; restrict exercise of the rights of association and trade-union membership and impose censorship on correspondence and communications.

None of the powers conferred by the Constitution on the President of the Republic affects the rights and guarantees set forth in articles 6, 7, 8, 11, 15, 16 and 18 of the Covenant.

Similarly, they do not affect obligations under international law nor do they involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.

The officially proclaimed grave internal disturbances referred to above will require the adoption of measures strictly required by the exigencies of the situation, within the context of the Constitution and the laws of the Republic, in order to restore public order in the country and to ensure that the life of the nation proceeds normally.

Once these essential aims have been achieved, the provisions from which a temporary derogation has been made will become fully operative and the States parties will be informed accordingly.

(Dated 17 June 1985)

... By Supreme Decree No. 795 of 14 June 1985, the Government of Chile, using the powers granted to it by the Political Constitution, has decided to lift the state of siege which was in force in the country ... .

The Government of Chile took this decision after having evaluated the general situation in the country and finding, on the basis of a thorough review of the entire period during which the state of siege was in force, that there had been a considerable decline in the consequences of subversive acts, which had been affecting increasingly broader sectors of national activity and had made it necessary to declare the state of siege in November 1984.

[23 September 1986]

(Dated 16 September 1986)

By Decree No. 1.037, the Government of Chile declared a state of siege throughout the national territory from 8 September to 6 December 1986. The Decree stipulates that its provisions shall remain in force from its publication in the Official Gazette, which took place on 8 September, until 6 December 1986, and for as long as circumstances warrant.

The constitutional basis for such a measure is to be found in articles 39, 40 and 41 of the Constitution of the Republic which, in this connection, provide that "in the event of internal war or unrest, the President of the Republic may, with the approval of Congress, declare all or part of the national territory to be under a state of siege" ... .

The Government of Chile established categorically that this extraordinary measure will be applied for the reasonable period required by the circumstances; its application will not alter the commitment of the Chilean authorities to continue to promote the political and institutional process embodied in the Political Constitution of the State.

With regard to the rights the exercise of which will be affected by the state of siege ... the rights set forth in articles 9, 12, 13 and 19 of the Covenant on Civil and Political Rights will be restricted. The rights set forth in articles 6, 7, 8 (paras. 1 and 2), 11, 15, 16 and 18 of the Covenant will not be affected.

[29 October 1986]

(Dated 28 October 1986)

The Secretary-General received from the Government of Chile a notification dated 28 October 1986, made under article 4 of the Covenant, to the effect that by various Decrees the above-mentioned state of siege had been lifted in the following areas:

By Decree No. 1074 of 26 September 1986, published in Official Gazette No. 22584 of 30 September 1986, in the 11th Region.

By Decree No. 1155 of 16 October 1986, published in Official Gazette No. 32600 of 18 October 1986 in the 12th Region (with the exception of the commune of Punta Arenas), in the Province of Chiloé in the 10th Region, and in the Province of Parinacota in the 1st Region.

[20 November 1986]

(Dated 20 November 1986)

The Secretary-General received from the Government of Chile, on 20 November 1986, a notification made under article 4 of the Covenant, to the effect that the state of siege had also been lifted, on 11 November 1986, in the Provinces of Cardenal Caro in the 6th Region, Arauco in the 8th Region and Palena in the 10th Region.

[29 January 1987]

(Dated 20 January 1987)

The Secretary-General received from the Government of Chile a notification made under article 4 of the Covenant, informing him that the circumstances which had prompted the state of siege had completely changed, and that accordingly the said state of siege had not been renewed and had therefore ceased throughout Chile as of 6 January 1987.

[31 August 1988]

(Dated 31 August 1988)

The Secretary-General received from the Government of Chile a notification, dated 31 August 1988 made under article 4 of the Covenant, which informed him of the termination of the state of emergency and of the state of danger of disturbance of the domestic peace in Chile as from 27 August 1988, pursuant to the provisions of Supreme Decrees Nos. 1197 and 1198, respectively, both of the Ministry of the Interior, thereby bringing to an end all states of exception in the country, which is now in a situation of full legal normality.

COLOMBIA

[Original: Spanish]
[18 July 1980]

The Government, by Decree 2131 of 1976, declared that public order had been disturbed and that all of the national territory was in a state of siege, the requirements of the Constitution having been fulfilled, and that in the face of serious events that disturbed the public peace, it had become necessary to adopt extraordinary measures within the framework of the legal regime provided for in the National Constitution for such situations (art. 121 of the National Constitution).

The events disturbing the public peace that led the President of the Republic to take that decision are a matter of public knowledge. Under the state of siege (art. 121 of the National Constitution) the Government is empowered to suspend, for the duration of the state of siege, those provisions that are incompatible with the maintenance and restoration of public order.

On many occasions the President of the Republic has informed the country of his desire to terminate the state of siege when the necessary circumstances prevail.

It should be observed that, during the state of siege in Colombia, the institutional order has remained unchanged, with the Congress and all public bodies functioning normally. Public freedoms were fully respected during the most recent elections, both the election of the President of the Republic and the election of members of elective bodies.

[11 October 1982]

By Decree No. 1674 of 9 June 1982, the state of siege was terminated on 20 June 1982.

[11 April 1984]

(Dated 30 March 1984)

The Government of Colombia had declared a breach of the peace and a state of siege in the territory of the Departments of Caquetá, Huila, Meta and Cauca in response to the activities in those Departments of armed groups which were seeking to undermine the constitutional system by means of repeated public disturbances.

Further to Decree No. 615, Decrees Nos. 666, 667, 668, 669 and 670 had been enacted on 21 March 1984 to restrict certain freedoms and to take other measures aimed at restoring public order. (For the provisions which were derogated from, see *in fine* notification of 8 June 1984 hereinafter.)

[8 June 1984]

(Dated 7 May 1984)

The Government of Colombia indicated that it had, through Decree No. 1038 of 1 May 1984, declared a state of siege in the territory of the Republic of Colombia owing to the assassination in April of the Minister of Justice and to recent disturbances of the public order that occurred in the cities of Bogotá, Cali, Barranquilla, Medellín, Acevedo (Department of Santander), Giraldo (Department of Antioquia) and Miraflores (*Comisaría* of Guaviare).

Pursuant to the above-mentioned Decree No. 1038, the Government had issued Decrees Nos. 1039 and 1040 of 1 May 1984 and Decree No. 1042 of 2 May 1984, restricting certain freedoms and enacting other measures to restore public order. (Following inquiries made by the Secretary-General, in keeping with the purpose of article 4, paragraph 3, of the Covenant, as to which articles of the Covenant were being derogated from, the Government of Colombia, in a communication dated 23 November 1984, which was received by the Secretary-General on that date, indicated that the decrees affected the rights referred to in articles 12 and 21 of the Covenant.)

[12 December 1984]

(Dated 11 December 1984)

Termination of derogation from article 21.

[13 August 1991]

(Dated 9 August 1991)

Termination as of 7 July 1991 of the state of siege and of the measures adopted on 1 and 2 May 1984 which were still in force throughout the national territory.

ECUADOR

[Original: Spanish]
[12 May 1983]

The Government declared the extension of the state of emergency as from 20 to 25 October 1982 by Executive Decree No. 1252 of 20 October 1982 and derogation from article 12, paragraph 1, owing to serious disorders brought about by the suppression of subsidies, and termination of the state of emergency by Executive Decree No. 1274 of 27 October 1982.

[20 March 1984]

Derogation from articles 9, paragraphs 1 and 2; 12, paragraphs 1 and 3; 17; 19, paragraph 2, and 21 in the provinces of Napo and Esmeraldas by Executive Decree No. 2511 of 16 March 1984.

[29 March 1984]

Termination of the state of emergency by Executive Decree No. 2537 of 27 March 1984 owing to destruction and sabotage in the area.

[17 March 1986]

(Dated 14 March 1986)

Proclamation of the state of emergency in the provinces of Pichincha and Manabí. The state of emergency was declared on 14 March 1986 due to the acts of subversion and armed uprising by a high-ranking officer no longer in active service, backed by extremist groups.

The articles of the Covenant being derogated from are 12, 21 and 22, it being understood that no Ecuadorian may be exiled or subjected to restricted residence outside the capitals of the provinces or to a region other than the one in which he lives.

[19 March 1986]

(Dated 18 March 1986)

Termination of the state of emergency. The state of emergency was lifted on 17 March 1986.

[29 October 1987]

(Dated 28 October 1987)

Declaration of a state of national emergency throughout the national territory, effective as of 28 October 1987. (Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.)

The notification states that this measure was made necessary as a result of an illegal call for a national strike which would lead to acts of vandalism, offences against persons and property and would disrupt the peace of the State and the proper exercise of the civic rights of Equadorians.

[30 October 1987]

Termination of the state of emergency throughout the national territory as from 0 hour on 29 October 1987.

[3 June 1988]

(Dated 1 June 1988)

Declaration of a state of national emergency throughout the national territory, effective as of 9 p.m. on 31 May 1988. (Derogation from articles 9 (1) and (2); 12 (1) and (2); 19 (2); and 21.)

The notification states that this measure is the necessary legal response to the 24 hour strike called for by the United Workers Front, which would result in acts of vandalism, violation of the security of persons and attacks on public and private property.

(Dated 2 June 1988)

Termination of the state of emergency throughout the national territory as from 1 June 1988.

EL SALVADOR

[Original: Spanish]
[14 November 1983]

(Dated 3 November 1983)

The Government has declared an extension for a period of 30 days of the suspension of constitutional guarantees by Legislative Decree No. 329 dated 28 October 1983. The constitutional guarantees have been suspended in accordance with article 175 of the Political Constitution because of disruption of public order.

[24 January 1984]

(Dated 23 January 1984)

1. The provisions of the Covenant from which derogation is made are articles 12 and 19 by Decree No. 329 of 28 August 1983, and article 17 (in respect of interference with correspondence).

2. The constitutional guarantees were first suspended by Decree No. 155 dated 6 March 1980, with further extensions of the suspension for a total of 24 months. Decree No. 155 was modified by Decree No. 999 dated 24 February 1982, which expired on 24 March 1982. By Decree No. 1089

dated 20 April 1982, the Revolutionary Government Junta again suspended the constitutional guarantees. By Legislative Decree No. 7 dated 20 May 1982, the Constituent Assembly extended the suspension for an additional period of 30 days. The said Legislative Decree No. 7 was itself extended several times until the adoption of the above-mentioned Decree No. 329 dated 28 October 1983, which took effect on that date.

3. The reasons for the adoption of the initial suspension decree (No. 155 of 6 March 1980) were the same as for the adoption of the subsequent decrees.

[18 June 1984]

(Dated 14 June 1984)

By Legislative Decree No. 28 of 27 January 1984, the Government of El Salvador introduced a change to the effect that political parties would be permitted to conduct electoral campaigns, and were thus authorized to engage in partisan campaigning and electoral propaganda activities. The said Decree was extended for successive 30-day periods until the promulgation of Decree No. 97 of 17 May 1984, which rescinded the aforementioned change allowing political parties to conduct electoral campaigns.

The provisions of the Covenant from which derogation is made are articles 12, 19, 17 (in respect of interference with correspondence) and 21 and 22. As regards article 22, the suspension refers to the right to association in general, but does not affect the right to join professional associations (the right to form and join trade unions).

[2 August 1985]

(Dated 31 July 1985)

[...] the Government of El Salvador has for successive periods extended martial law by the following legislative decrees: Decrees No. 127 of 21 June 1984, No. 146 of 19 July 1984, No. 175 of 24 August 1984, No. 210 of 18 September 1984, No. 234 of 21 October 1984, No. 261 of 20 November 1984, No. 277 of 14 December 1984, No. 322 of 18 January 1985, No. 335 of 21 February 1985, No. 351 of 14 March 1985, No. 386 of 18 April 1985, No. 10 of 21 May 1985, No. 38 of 13 June 1985, and the most recent, Decree No. 96 of 11 July 1985 which extended the martial law for an additional period of 30 days beyond that date.

The provisions of the Covenant that are thus suspended are those of articles 12, 17 (in respect of interference with correspondence) and 19, paragraph 2.

The notification specifies that the reasons for the suspension of constitutional guarantees continue to be those originally indicated, namely: the need to maintain a climate of peace and tranquility, which had been disturbed through the commission of acts designed to create a state of instability and social unrest which affected the economy and the public peace by persons seeking to obstruct the process of structural change, thus seriously disrupting public order.

[19 December 1989]

(Dated 13 November 1989)

Suspension for a period of 30 days as from 12 November 1990 of various constitutional guarantees. (Derogation from articles 12, 17, 19, 21 and 22 of the Covenant.)

The notification indicates that this measure became necessary owing to the use of terror and violence by the Frente Farabundo Marti to obtain political authority, in complete disregard of previous elections.

ISRAEL

[Original: English]
[3 October 1991]

Since its establishment, the State of Israel has been the victim of continuous threats and attacks on its very existence, as well as on the life and property of its citizens.

These have taken the form of threats of war, of actual armed attacks, and campaigns of terrorism resulting in the murder of and injury to human beings.

In view of the above, the State of Emergency which was proclaimed in May 1948 has remained in force ever since. This situation constitutes a public emergency within the meaning of article 4 (1) of the Covenant.

The Government of Israel has therefore found it necessary, in accordance with the said article 4, to take measures to the extent strictly required by the exigencies of the situation, for the defence of the State and for the protection of life and property, including the exercise of powers of arrest and detention.

In so far as any of these measures are inconsistent with article 9 of the Covenant, Israel thereby derogates from its obligations under that provision.

NICARAGUA

[Original: Spanish]
[4 June 1980]

The Governing Junta for National Reconstruction of the Republic of Nicaragua, by Decree No. 383 of 29 April 1980, rescinded the National Emergency Act promulgated on 22 July 1979 and revoked the state of emergency extended by Decree No. 365 of 11 April 1980.

[14 April 1982]

Suspension of articles 1 to 5, 8, paragraph 3, 10, 12 to 14, 17, 19 to 22, 26 and 27 in accordance with Decree No. 996 of 15 March 1982 (national emergency) from 15 March to 14 April 1982.

Extension to the suspension to 14 May 1982.

[8 June 1982]

Extension of the suspension to 14 June 1982.

[26 August 1982]

Suspension of the above-mentioned articles of the Covenant in accordance with Decree No. 1082 of 26 July 1982 from 26 July 1982 to 26 January 1983.

[14 December 1982]

Extension of the suspension to 30 May 1983.

[8 June 1984]

Extension of the state of emergency for 50 days beginning on 31 May 1984 and derogation from articles 2, paragraph 3, 9, 12, 14, 19, paragraphs 2 and 3, and 21 of the Covenant.

[1 August 1984]

(Dated 10 June 1984)

Extension of the state of emergency until 30 May 1984 by Decree 1255 of 26 May 1984 and derogations from articles 1 to 5, 8, paragraph 3, 9, 10, 12, 13, 14, 19 to 22, 26 and 27.

[22 August 1984]

(Dated 2 August 1984)

Extension of the state of emergency until 20 October 1984 and derogation from articles 2, paragraph 3, 9 and 14 of the Covenant by Legislative Decree No. 1477 of 19 July 1984.

(Dated 9 August 1984)

Derogation from the implementation of articles 2, paragraph 3, 9 and 14 of the Covenant from 6 August to 20 October 1984, in respect of persons committing or suspected of committing the offences referred to in articles 1 and 2 of the Act concerning the Maintenance of Order and Public Security.

[13 November 1985]

(Dated 11 November 1985)

... In accordance with article 4 of the International Covenant on Civil and Political Rights, [the] Government [of Nicaragua] has been obliged, as a result of the foreign aggression to which it is being subjected, to suspend the application of certain of the provisions of the Covenant throughout the national territory, for a period of one year starting on 30 October 1985.

The reasons for this suspension are well known: the Government of the United States of America, against the express will of the majority of the world's Governments and peoples and in violation of the norms of international law, has continued its unjust, unlawful and immoral aggression against the Nicaraguan people and their revolutionary Government.

The political and diplomatic efforts exerted by [the] Government [of Nicaragua], by the nations of the Contadora Group and by other peace-loving countries to change this criminal and aggressive policy of the Government of the United States have all proved fruitless.

United States troops and warships on continuous manoeuvres and deployment in the areas adjacent to Nicaragua offer a constant threat of direct military intervention.

Thousands of patriots have given up their precious and irrecoverable lives in combat, or have been murdered in the defence of the fatherland.

Tens of thousands of families have been forced to abandon their lands and homes; enormous resources have had to be devoted to defence at the expense of consumption, production and civilian investment.

Hundreds of millions of dollars worth of material goods and productive capacity have been destroyed through direct action by bands of mercenaries and sabotage by the United States Central Intelligence Agency. These factors, together with the commercial blockage and the economic crisis in the developing countries, have resulted in a serious deterioration in the living conditions of our people.

The Government of the United States, instead of scaling down its aggression, has in the past few months intensified it, supplying the bands of mercenaries with more and improved weapons so that they can go on committing murder, destroying productive infrastructure through terrorist attacks, in short, bringing more pain, grief, death and economic difficulties to the Nicaraguan people. This intensification of terrorist acts is due in part to the fact that the United States Government has started to distribute to the counter-revolutionary bands the $27 million that was authorized by the United States Congress in June 1985 as "humanitarian aid".

... The following provisions of the Covenant [are suspended] throughout the national territory for the period of one year, starting on 30 October 1985: article 8, paragraph 3; article 9; article 10, except paragraph 1; article 12, paragraphs 2 and 4; article 14, except paragraphs 2 and 5 and subparagraphs (a), (b), (d) and (g) of paragraph 3; article 17; article 19; article 21 and article 22.

Article 2, paragraph 2, remains in force for those rights that have not been suspended, and paragraph 3 of the same remains in force for all those offences which do not affect national security and public order.

[30 January 1987]

(Dated 29 January 1987)

Comandante Daniel Ortega Saavedra, the President of the Republic of Nicaragua, owing to the continuation and escalation of the military, political and economic aggression to which the Nicaraguan Government and people are subjected by the Government of the United States; and by virtue of the powers conferred on him by the Political Constitution of Nicaragua promulgated on 9 January 1987; as from that date has re-established the state of national emergency by Decree No. 245, pursuant to article 185 of the new Constitution of the Republic.

Consequently, in compliance with article 4 (3) of the International Covenant on Civil and Political Rights, the following provisions of the Covenant have been suspended throughout the territory of Nicaragua until 8 January 1988:

Article 2 (3) is suspended in respect of acts which undermine national security and public order and of the rights and guarantees set forth in those provisions of the Covenant which have been suspended;

Article 9, although the recourse referred to in paragraph 4 is suspended solely for offences against national security and public order. Article 12 and article 14 (3) (c); article 17, in so far as it relates to home and correspondence, with the other rights remaining in effect; and articles 19, 21 and 22.

This exceptional measure is aimed at preserving national security and public order and is in force for one year, subject to renewal.

[13 May 1987]

(Dated 8 April 1987)

The Secretary-General received the following notification from the Government of Nicaragua:

A state of national emergency has been established in the Republic of Nicaragua, in accordance with article 4 of the Covenant, under which the following provisions thereof are suspended throughout the territory of Nicaragua for a period of one year, as of 28 February 1987:

> Article 2, paragraph 3, in which we draw a distinction between administrative amparo which is suspended in respect of the rights and guarantees provided in the Covenant, which have been suspended, and the remedy of habeas corpus, which is not applicable to offences against national security and public order;
>
> Article 9. It should be understood that the remedy referred to in paragraph 4 is suspended solely in respect of offences against national security and public order;

> Article 12, regarding the right of residence, liberty of movement and freedom to enter and leave the country;
>
> Article 14, paragraph (3) (c), regarding the right to be tried without undue delay;
>
> Article 17, in respect of the inviolability of the home and correspondence, with the other rights remaining in effect;
>
> Article 19, paragraphs (1) and (2), regarding the right to hold opinions and freedom of expression.

[8 February 1988]

(Dated 4 February 1988)

On 8 February 1988, the Secretary-General received, in the name of the Government of Nicaragua a notification dated 4 February 1988, made under article 4 of the Covenant, which reads as follows:

By Decree No. 297 of 19 January 1988, the Government of Nicaragua has lifted the state of emergency in force in the country, thus re-establishing the full enjoyment of all rights and guarantees of Nicaraguans laid down in the Constitution of Nicaragua.

With the lifting of the state of emergency, the following rights shall enter into force: the right to strike, assemble and demonstrate; the right to freedom of expression and of movement within the country; and the right to the inviolability of domicile and correspondence.

Despite the continuing unlawful war which the United States of America has imposed on Nicaragua, the Government has decided to lift the state of emergency as a reflection of its unilateral decision to comply fully with the commitments made by the Presidents of the Central American Republics in the agreements signed in Guatemala City on 7 August 1987 and the Declaration signed in Alajuela, Costa Rica, on 16 January 1988.

Also on behalf of peace, by Decree No. 296 of 16 January 1988, the Government repealed Decree/Law No. 1233 of 11 April 1983 on the Anti-Somozan People's Courts, as a result of which the jurisdiction of those courts shall revert to the judicial branch. With this measure, article 159 of the Constitution, which lays down that the courts of Nicaragua shall form a unified system whose highest body is the Supreme Court of Justice, is fully complied with.

Moreover, with a view to facilitating the administration of justice during the emergency created by the aggression imposed on the country, the executive branch empowered the Supreme Court of Justice, by Decrees Nos. 299 and 300 of 20 January 1988, to establish, abolish or combine district and local courts and to establish appellate courts in regions I, V and VI and in special areas I and II, where the war of aggression has particularly taken its toll.

PANAMA

[Original: Spanish]
[12 June 1987]

(Dated 11 June 1987)

On 12 June 1987, the Secretary-General received from the Government of Panama a notification dated 11 June 1987, made under article 4 of the above-mentioned Covenant, to the effect that the Government of Panama had declared a state of emergency throughout the territory of the Republic of Panama.

The notification specified that the state of emergency was declared since, on 9 and 10 June 1987, there were outbreaks of violence, clashes between demonstrators and units of defence forces, and incitement to violence by individuals and political groups resulting in personal injury and considerable material damage. The measure was taken with a view to restoring law and order and safeguarding the life, the dignity and the property of Panamanian nationals and of foreigners living in Panama.

The notification further specified that this exceptional measure will apply as long as reasons for the disruption of law and order remain. The articles of the Covenant being derogated from are articles 12, paragraph 1; 17, with regard only to the inviolability of correspondence; 19 and 21.

[1 July 1987]

(Dated 30 June 1987)

The Secretary-General received a notification from the Government of Panama on 1 July 1987, which informed him that by Legislative Assembly resolution of 30 June 1987 all constitutional guarantees suspended 19 days ago have been reinstated ... . In the text of the resolution reinstating the aforementioned guarantees, the Legislative Assembly stated that "at national level there has been a marked improvement in the situation which prompted the declaration of the state of emergency and the suspension of individual guarantees" and that "the country is now facing foreign aggression through the United States Senate".

PERU

[Original: Spanish]
[22 March 1983]

(Dated 18 March 1983)

First notification:

The Government has declared the extension of the state of emergency in the Provinces of Huanta, La Mar, Cangallo, Víctor Fajardo, Huamanga, in the Department of Ayacucho, Andahuaylas in the Department of Apurímac, and

Angaraes, Tayacaja and Acobamba, in the Department of Huancavelica, for a period of 60 days from the date of the issue of the Supreme Decree No. 003-83-IN of 25 February 1983.

Suspension of the constitutional guarantees provided for in paragraphs 7, 9, 10 and 20 (g) of article 2 of the Political Constitution of Peru, which relate to the inviolability of the home, liberty of movement in the national territory, the right of peaceful assembly and the right to liberty and security of person.

Second notification:

Extension of a state of emergency in the Department of Lima by Supreme Decree No. 005-83-IN of 9 March [1983], and suspension for a period of five days of the constitutional guarantees provided for in paragraphs 9, 10 and 20 (g) of article 2 of the Political Constitution of Peru relating to liberty of movement in the national territory, the right of peaceful assembly and the right to liberty and security of persons.

[4 April 1983]

Suspension of the state of emergency as from 14 March 1983. In a communication received by the Secretary-General on 4 April 1983, the Government of Peru specified that the state of emergency extended by Supreme Decree No. 003-83-IN of 25 February 1983 was originally proclaimed by Supreme Decree No. 026-81-IN of 12 October 1981. It further specified that the provisions of the Covenant from which derogation was made by reason of the proclamation of the state of emergency were articles 9, 12, 17 and 21.

[3 May 1983]

(Dated 27 April 1983)

Extension of derogations for a further 60 days by Supreme Decree No. 014-83-IN of 22 April 1983.

[2 June 1983]

(Dated 28 May 1983)

Extension of the state of emergency for a period of three days in Lima and in the Province of Callao by Supreme Decree No. 020-83 of 25 May 1983.

(Dated 31 May 1983)

Extension of the state of emergency for a period of 60 days throughout the Republic by Supreme Decree No. 022-83 of 30 May 1984.

[9 August 1983]

(Dated 8 August 1983)

Further extension of the state of emergency in its national territory for 60 days by Supreme Decree No. 036-83 of 2 August 1983.

[29 September 1983]

Termination as from 9 September 1983 of the state of emergency and of the derogations with the exceptions of the Departments of Huancavelica, Ayacucho and Apurímac.

[9 November 1983]

(Dated 3 November 1983)

Extension of the state of emergency in the Provinces of Huanta, La Mar, Cangallo, Víctor Fajardo y Huamanga (Department of Ayacucho), Andahuaylas (Department of Apurímac), Angaraes, Tayacaja and Acobamba (Department of Huancavelica) by Supreme Decree No. 054-83 of 22 October 1983.

[20 December 1983]

(Dated 19 December 1983)

Extension of the state of emergency in the Provinces of Lucanas and Ayacucho (department of Ayacucho) and the Province of Huancavelica (Department of Huancavelica) by Supreme Decree No. 061-83-IN of 6 December 1983.

[13 February 1984]

(Dated 31 January 1984)

Extension of the state of emergency for 60 days in the Provinces of Huanta, La Mar, Cangallo, Víctor Fajardo y Huamanga (Department of Ayacucho), Andahuaylas (Department of Apurímac), Angaraes, Tayacaja and Acobamba (Department of Huancavelica), and in the Districts of Querobamba and Cabana (Department of Ayacucho), and throughout the Provinces of Lucanas (Department of Ayacucho) and Huancavelica (Department of Huancavelica) by Supreme Decree No. 061-83-IN of 6 December 1983.

[28 March 1984]

(Dated 26 March 1984)

Extension of state of emergency throughout Peru from 21 to 23 March 1984.

[14 May 1984]

(Dated 19 April 1984)

Continuation of the state of emergency for a period of 60 days in the Provinces of Huanta, La Mar, Cangallo, Víctor Fajardo, Huamanga and Lucanas (Department of Ayacucho); Andahuaylas and Chincheros (department of Apurímac); Angaraes, Tayacaja, Acobamba, Huancavelica and Castrovirreyna (Department of Huancavelica) by Decree No. 031-84-IN of 17 April 1984 and derogations from articles 9, 12, 17 and 21 of the Covenant.

[18 June 1984]

(Dated 15 June 1984)

Declaration of a state of emergency for a period of 30 days, starting from 8 June 1984, in the whole of the territory of the Republic of Peru and derogations from articles 9, 12, 17 and 21 of the Covenant.

[9 August 1984]

(Dated 12 July 1984)

Extension of the state of emergency as at 8 July 1984, for a period of 30 days, throughout the territory of the Republic of Peru and derogations from articles 9, 12, 17 and 21.

[14 August 1984]

Extension of the state of emergency throughout Peru for a period of 60 days, starting from 7 August 1984 and extension of the said derogations.

[25 October 1984]

(Dated 22 October 1984)

By Supreme Decree No. 052-84-IN of 5 October 1984, termination of the state of emergency in the territory of the Republic excepting the following provinces and departments, where the state of emergency has been extended for 60 days as of 5 October 1984:

- Department of Huánuco; Province of Mariscal Cáceres (Department of San Martín); Provinces of Huanta, La Mar, Cangallo, Víctor Fajardo, Huamanga and Lucanas (Department of Ayacucho); Provinces of Andahuaylas and Chincheros (Department of Apurímac); Provinces of Angaraes, Tayacaja, Acobamba, Huancavelica and Castrovirreyna (Department of Huancavelica), and derogations from articles 9, 12, 17 and 21 of the Covenant in the above-mentioned departments and provinces.

[21 December 1984]

(Dated 19 December 1984)

By Supreme Decree No. 063-84-IN, the Government of Peru had extended the state of emergency as at 3 December 1984, for a period of 60 days, in the Departments of Huánuco and San Martín and the Province of Mariscal Cáceres. The said extension had been declared owing to the continued terrorist acts of violence and sabotage in those regions and, as a result, the Government of Peru continued to derogate from articles 9, 12, 17 and 21 of the Covenant.

(Dated 21 December 1984)

By Supreme Decree No. 065-84-IN, the Government of Peru had found it necessary to extend the state of emergency for a period of 60 days, starting from 7 December 1984, in the following provinces:

Department of Ayacucho

- Cangallo, Huamanga, Huanta, La Mar, Lucanas, Víctor Fajardo, Huancasancos and Vilcashuamán;

Department of Huancavelica

- Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja and Huaytará;

Department of Apurímac

- Andahuaylas and Chincheros.

The notification specifies that the extension of the state of emergency was decided because of the continued terrorist acts of violence and sabotage in the said provinces and that it was necessary to continue to derogate from articles 9, 12, 17 and 21 of the Covenant.

[8 February 1985]

(Dated 7 February 1985)

By Supreme Decree No. 001-85-IN, extension of the state of emergency as of 3 February 1985 in the Department of San Martín, including the Province of Tocache and excluding the Province of Mariscal Cáceres, and Huánuco, excluding the Provinces of Puerto Inca and Pachitea. The said extension had been declared owing to the continued terrorist acts of violence and sabotage in those regions and, as a result, the Government of Peru continued to derogate from articles 9, 12, 17 and 21 of the Covenant.

[12 April 1985]

(Dated 9 April 1985)

By Supreme Decree No. 012-85-IN, extension of the state of emergency as of 1 April 1985 in the Department of San Martín, including the Province of Tocache, and in the Department of Huánuco, except in the Provinces of Puerto Inca and Pachitea.

The said extension has been declared owing to the continued terrorist acts of violence and sabotage in those regions and, as a result, the Government of Peru continued to derogate from articles 9, 12, 17 and 21 of the Covenant.

[18 June 1985]

(14 June 1985)

By Supreme Decree No. 020-85-IN, the state of emergency in the Province of Pasco (Department of Pasco) has been declared for a period of 60 days, starting from 10 May 1985.

By Supreme Decree No. 021-85-IN, the state of emergency in the Department of San Martín, including the Province of Tocache and in the Department of Huánuco, except in the Provinces of Puerto Inca and Pachitea, has been extended for a period of 60 days, starting from 1 June 1985.

By Supreme Decree No. 022-85-IN, the state of emergency in the Province of Daniel Alcides Carrión (Department of Pasco) has been extended for a period of 60 days, starting from 4 June 1985.

By Supreme Decree No. 023-85-IN, the state of emergency has been extended for a period of 60 days starting from 5 June 1985 in the following provinces:

Department of Ayacucho

- Cangallo, Huamanga, Huanta, La Mar, Lucanas, Víctor Fajardo, Huancasancos and Vilcashuamán;

Department of Huancavelica

- Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytará and Churcampa;

Department of Apurímac

- Andahuaylas and Chincheros

The above-mentioned notifications specify that the state of emergency had been declared or extended as indicated above owing to the continued terrorist acts of violence and sabotage.

As a result, articles 9, 12, 17 and 21 of the Covenant are being or are still derogated from in the regions in question for the said periods of time.

[24 July 1985]

(Dated 23 July 1985)

By Supreme Decree No. 031-85, the state of emergency in the Province of Pasco (Department of Pasco) has been extended for a period of 60 days, starting from 10 July 1985.

[6 August 1985]

(Dated 31 July 1985)

By Supreme Decree No. 033-85-IN, the state of emergency in the Province of Yauli (Department of Junín) has been declared for a period of 12 days, starting from 19 July 1985.

[12 August 1985]

(Dated 12 August 1985)

By Supreme Decree No. 042-85-IN, the state of emergency has been extended for a period of 60 days starting from 6 August 1985 in the following provinces and departments:

(i) Province of Tocache (Department of San Martín);

(ii) Department of Huánuco, except the Provinces of Puerto Inca and Pachitea;

(iii) Province of Daniel Alcides Carrión (Department of Pasco);

(iv) Provinces of Cangallo, Huamanga, Huanta, La Mar, Lucanas, Víctor Fajardo, Huancasancos and Vilcashuamán (Department of Ayacucho);

(v) Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Andahuaylas and Chincheros (Department of Apurímac).

As a result, articles 9, 12, 17 and 21 of the Convention are being or are still derogated from in the regions in question for the said periods.

[13 December 1985]

(Dated 11 December 1985)

Extension of the state of emergency for a period of 60 days in the following provinces, in accordance with Decree No. 052-85-IN, as of 5 December 1985 (derogation from articles 9, 12, 17 and 21 of the Covenant), owing to continued terrorist actions in the said regions:

- Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos and Vilcashuamán (Department of Ayacucho);

- Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytará and Churcampe (Department of Huancavelica);

- Provinces of Huaycabamba, Huamalíes, Dos de Mayo and Ambo (Department of Huánuco);

- Province of Chincheros (Department of Apurímac).

[13 December 1985]

(Dated 11 December 1985)

On 5 December 1985, the Government of Peru terminated the state of emergency in the following areas:

Department of Ayacucho (Province of Lucanas);

Department of Apurímac (Province of Andahuaylas);

Department of San Martín (Province of Tocache);

Department of Huánuco (Provinces of Marañón, Leoncio Prado and Huánuco);

Department of Pasco (Province of Daniel Alcides Carrión).

[21 February 1986]

(Dated 14 February 1986)

By Supreme Decree No. 001-86, the Government of Peru has extended the state of emergency as of 5 February 1986 for a period of 60 days in the following provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos and Vilcashuamán);

Department of Huancavelica (Provinces of Acobamba, Castrovirreyna, Huancavelica, Tayacaja, Huaytará, Churcampa and Angaraes);

Department of Huánuco (Provinces of Huaycabamba, Huamalíes, Dos de Mayo and Ambo);

Department of Apurímac (Province of Chincheros).

By Supreme Decree No. 002-86, the Government of Peru has declared a state of emergency in the city of Lima and the Constitutional Province of Callao for a period of 60 days starting from 7 February 1986.

The notifications specify that the state of emergency has been extended or declared as indicated above owing to the continued or increased terrorist acts of violence and sabotage.

As a result, articles 9, 12, 17 and 21 of the Covenant are being or are still derogated from in the regions in question for the said periods of time.

[24 April 1986]

(Dated 14 April 1986)

By Supreme Decree No. 004-86-IN, the Government of Peru has extended the state of emergency as of 3 April 1986 for a period of 60 days in the following provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos and Vilcashuamán);

Department of Huancavelica (Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytará and Churcampa);

Department of Apurímac (Province of Chincheros);

Department of Huánuco (Provinces of Huaycabamba, Huamalíes, Dos de Mayo and Ambo).

By Supreme Decree No.005-86-IN, the Government of Peru has extended the state of emergency in the city of Lima and the Constitutional Province of Callao for a period of 60 days as of 3 April 1986.

The notifications specify that the said extensions have been declared as indicated above owing to the continued or increased terrorist acts of violence and sabotage.

As a result, articles 9, 12 17 and 21 of the Covenant continue to be derogated from in the regions in question for the said periods of time.

[5, 9 and 23 June 1986]

(Dated, respectively, 4, 6 and 20 June 1986)

I

The Government of Peru has declared or extended a state of emergency as follows:

By Supreme Decree No. 012-86-IN, the state of emergency in the city of Lima and the Constitutional Province of Callao has been extended for a period of 60 days, starting from 2 June 1986.

II

By Supreme Decree No. 013-86-IN, the state of emergency has been extended for a period of 60 days, starting from 4 June 1986 in the following provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos and Vilcashuamán);

Department of Huancavelica (Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytará and Churcampa);

Department of Apurímac (Province of Chincheros);

Department of Huánuco (Provinces of Huaycabamba, Huamalíes, Dos de Mayo and Ambo).

III

By Supreme Decree No. 015-86-IN, a state of emergency has been declared for a period of 60 days, starting from 18 June 1986, in the Provinces of Daniel Alcides Carrión and Pasco (Department of Pasco).

[5 August 1986]

(30 July 1986)

By a notification dated 30 July 1986 and received on 5 August 1986, the Government of Peru specified that the said extensions and declaration of a state of emergency had been declared owing to the continuation or occurrence of terrorist acts and sabotage.

As a result, articles 9, 12, 17 and 21 of the Covenant are being or still being derogated from in the regions in question for the said periods of time.

[6 August 1986]

(Dated 5 August 1986)

By Supreme Decree No. 019-86-IN, extension of the state of emergency in the Province of Lima and the Constitutional Province of Callao for a period of 30 days, starting from 2 August 1986.

[8 August 1986]

(Dated 7 August 1986)

By Supreme Decree No. 020-86-IN, for a period of 60 days starting from 3 August 1986, extension of the state of emergency in the same provinces as under notification of 18 June 1985 and the Department of Huánuco (Province of Huaycabamba, Huamalíes, Dos de Mayo and Ambo).

[25 August 1986]

(Dated 19 August 1986)

By Supreme Decree No. 023-86-IN, extension of the state of siege in the Provinces of Daniel Alcides Carrión and Pasco (Department of Pasco) for a period of 60 days, starting from 19 August 1986.

[5 September 1986]

(Dated 4 September 1986)

By Supreme Decree No. 026-86-IN the Government of Peru has extended the state of emergency in the Constitutional Province of Callao for a period of 60 days as of 1 September 1986.

[8 October 1986]

(Dated 3 October 1986)

By Supreme Decree No. 029-86-IN, extension of the state of emergency for a period of 60 days, starting on 1 October 1986, in the same provinces as those indicated under the notification of 8 August 1986 (see above).

[22 October and 5 November 1986]

(Dated 17 October and 3 November 1986)

In two notifications to the Secretary-General, the Government of Peru extended a state of emergency as follows:

> By Supreme Decree No. 03-86-IN, in the Provinces of Daniel Alcides Carrión and Pasco (Department of Pasco) for a period of 60 days, starting from 16 October 1986.
>
> By Supreme Decree No. 032-86-IN, in the Province of Lima and the Constitutional Province of Callao for a period of 60 days, starting from 29 October 1986.

[18 December 1986]

(Dated 16 December 1986)

By Supreme Decree No. 036-86-IN the Government of Peru extended the state of emergency in the Provinces of Daniel Alcides Carrión and Pasco for a period of 60 days as of 14 December 1986.

[2 February 1987]

(Dated 30 January 1987)

Extension of the state of emergency for a period of 60 days as from 25 January 1987 in the Provinces of Lima and Callao.

(Dated 2 February 1987)

Extension of the state of emergency for a period of 60 days as from 29 January 1987 in the Provinces stated in notification of 13 December 1985.

Both notifications specify that the said extensions for the state of emergency had been declared owing to the continued terrorist acts of violence and sabotage.

[4 March 1987]

(Dated 23 February 1987)

Extension of state of emergency in the Provinces of Daniel Alcides Carrión and Pasco for a period of 60 days as of 13 February 1987.

[3 April 1987]

(Dated 2 April 1987)

The Government of Peru extended the state of emergency for a period of 60 days in the following Provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos, Vilcashuaman and Sucre);

Department of Apurímac (Province of Chincheros); and

Department of Huánuco (Province of Ambo and District of Monzón of the Province of Huamalíes).

[1 and 8 June 1987]

(Dated 26 May 1987)

I

Extension of the state of emergency in the Provinces of Lima and Callao for a period of 30 days as of 26 May 1987.

II

Extension of the state of emergency for a period of 60 days, as of 26 May 1987, in the following Provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huacasancos, Vilcashuamán and Sucre);

Department of Huancavelica (Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytará and Churcampa);

Department of Apurímac (Provinces of Chincheros);

Department of Huánuco (Province of Ambo and District of Monzón of the Province of Humalíes).

[18 June 1987]

(Dated 8 June 1987)

Extension of the state of emergency in the Provinces of Daniel Alcides Carrión and Pasco for a period of 60 days as of 8 June 1987.

[24 June and 23 July 1987]

(Dated 24 June and 20 July 1987)

Notifications that the state of emergency in the Provinces of Lima and Callao had been extended for a period of 30 days, starting from 20 June 1987 and 20 July 1987.

[23 July 1987]

(Dated 20 July 1987)

The Government of Peru declared a state of emergency for a period of 60 days, starting from 14 July 1987, in the following areas:

Province of Leoncio Prado and District of Cholón;

Department of Huánuco (Province of Marañón);

Department of San Martín (Provinces of Mariscal Cáceres and Tocache);

The notification specified that the state of emergency had been declared owing to the continuing acts of terrorism and sabotage in those regions.

[4 August 1987]

(Dated 25 July 1987)

The Government of Peru declared a state of emergency for a period of 60 days, starting from 25 July 1987, in the following areas:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos, Vilcashuamán and Sucre);

Department of Huancavelica (Provinces of Acobamba, Angaraes, Castrovirreyna, Huancavelica, Tayacaja, Huaytara and Churcampa);

Department of Apurímac (Province of Chincheros);

Province of Ambo and District of Monzón of the Province of Humalíes.

The notification specified that the state of emergency had been declared owing to the continuing acts of terrorism and sabotage in those regions.

[13 and 27 August 1987]

(Dated 7 and 19 August 1987)

The Government of Peru, through two notifications, declared or extended a state of emergency as follows:

> A state of emergency in the Provinces of Daniel Alcides Carrión and Pasco (Department of Pasco) had been declared for a period of 60 days, starting from 7 August 1987.
>
> The state of emergency in the Provinces of Lima and Callao had been extended for a period of 30 days, starting from 19 August 1987.

[23 September 1987]

(Dated 13 and 21 September 1987)

I

Extension of state of emergency for a period of 60 days, starting on 13 September 1987, in the following areas:

> Department of Huánuco (Province of Leoncio Prado and District of Chólon of the Province of Marañón);
>
> Department of San Martín (Provinces of Mariscal Cáceres and Tocache).

II

Extension of state of emergency in the Provinces of Lima and Callao for a period of 30 days starting on 21 September 1987.

[9 October 1987]

(Dated 3 and 5 October 1987)

In two notifications to the Secretary-General, the Government of Peru had, on the one hand, declared a state of emergency for a period of 60 days, starting from 23 September 1987, in the Provinces of Abancay, Aymares, Antabamba, Andahuaylas and Grau (Department of Apurímac) and, on the other hand, extended the state of emergency in the Provinces of Danial Alcides Carrión and Pasco for 60 days as of 5 October 1987.

[4 November 1987]

(Dated 23 October 1987)

Extension of the state of emergency in the Provinces of Lima and Callao for a period of 30 days as of 21 October 1987.

[23 December 1987]

(Dated 19 December 1987)

Extension of state of emergency in the Provinces of Lima and Callao for a period of 30 days as of 17 December 1987.

[22 January 1988]

(Dated 20 January 1988)

In two notifications to the Secretary-General, the Government of Peru had, on the one hand, extended the state of emergency in the Provinces of Lima and Callao for a period of 30 days as of 16 January 1988 and, on the other hand, extended the state of emergency for a period of 30 days, starting from 17 January 1988, in the following Provinces:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huacasancos, Vilcashuamán and Sucre);

Department of Huancavelica (Provinces of Acobamba, Angaraes, Huancavelica, Tayacaja, Huaytará and Churcampa);

Department of Apurímac (Provinces of Chinceros);

Department of Huánuco (Provinces of Ambo and District of Monzón of the Province of Humalíes).

[1 and 8 February 1988]

(Dated 22 January and 4 February 1988)

In two notifications to the Secretary-General, the Government of Peru extended a state of emergency as follows:

By Supreme Decree No. 001-88-IN, the state of emergency has been extended for a period of 60 days, starting from 8 January 1988, in the following Provinces:

Department of Huánuco (Province of Leoncio Prado and District of Chólon of the Province of Marañón);

Department of San Martín (Provinces of Moyobamba, Bellavista, Huallaga, Lamas, Picota, Rioja, San Martín, Mariscal Cáceres and Tocache).

By Supreme Decree No. 005-88-IN, the state of emergency has been extended for a period of 60 days, starting from 2 February 1988, in the Provinces of Daniel Alcides Carrión and Pasco (Department of Pasco).

[11 and 29 March 1988]

(Dated 20 and 21 March 1988)

In two notifications to the Secretary-General, the Government of Peru extended a state of emergency as follows:

By Supreme Decree No. 010-88-IN, the state of emergency has been extended for a period of 60 days, starting from 9 March 1988 in the following Provinces:

> Provinces of Moyobamba, Bellavista, Huallaga, Lamas, Picota, Rioja, San Martín, Mariscal Cáceres and Tocache (Department of San Martín);
>
> Province of Leoncio Prado and District of Cholón of the Province of Marañón (Department of Huánuco).

By Supreme Decree No. 0014-83-IN, the state of emergency has been extended for a period of 60 days, starting from 17 March 1988 in the following Provinces:

> Provinces of Abancay, Aymares, Antabamba, Andahuaylas and Grau (Department of Apurímac).

[8 April 1988]

(Dated 4 April 1988)

By Supreme Decree No. 0015-88-IN, the Government of Peru extended the state of emergency in the Provinces of Daniel Alcides Carrión and Pasco for a period of 60 days starting from 2 April 1988.

[19 April 1988]

(Dated 21 March 1988)

By Supreme Decree No. 017-88-IN, the Government of Peru extended the state of emergency in the Provinces of Lima and Callao for a period of 60 days as of 15 April 1988.

[2 May 1988]

(Dated 28 April 1988)

By Supreme Decree No. 019-88-IN, the Government of Peru extended the state of emergency in the Province of Castrovirreyna (Department of Huancavelica) for a period of 20 days as of 27 April 1988.

[23 May 1988]

(Dated 19 May 1988)

By Supreme Decree No. 021-88-IN, the Government of Peru extended the state of emergency for a period of 60 days, as of 15 May 1988, in the following areas:

Department of Ayacucho (Provinces of Cangallo, Huamanga, Huanta, La Mar, Víctor Fajardo, Huancasancos, Vilcashuamán and Sucre);

Department of Huancavelica (Provinces Acobamba, Angaraes, Huancavelica, Tayacaja, Huaytará, Churcapa and Castrovirreyna);

Department of Apurímac (Provinces of Chincheros, Abancay, Aymares, Antabamba, Andahuaylas and Grau);

Department of Huánuco (Province of Ambo, and District of Monzón of the Province of Humalíes).

[27 June 1988]

(Dated 7 June 1988)

By Supreme Decree No. 0022-88-IN, the Government of Peru extended the state of emergency in the Provinces of Daniel Carrión and Pasco, for a period of 43 days, starting on 1 June 1988.

[27 June 1988]

(Dated 16 June 1988)

In three notifications to the Secretary-General, the Government of Peru extended a state of emergency as follows:

By Supreme Decree No. 0024-88-IN, the state of emergency has been extended for a period of 30 days, starting 15 June 1988, in the Province of Cotabambas (Department of Apurímac);

By Supreme Decree No. 0025-88-IN, the state of emergency has been extended for a period of 30 days, starting 14 June 1988, in the Provinces of Lima and Callao;

By Supreme Decree No. 0026-88-IN, the state of emergency has been extended for a period of 29 days, starting 15 June 1988, in the following areas:

Department of San Martín (Provinces of Moyobamba, Bellavista, Huallaga, Lamas, Picota, Rioja, San Martín, Mariscal Cáceres and Tocache);

Department of Huánuco (Province of Marañón).

[22 July 1988]

(Dated 19 July 1988)

In two notifications to the Secretary-General, the Government of Peru extended a state of emergency as follows:

By Supreme Decree No. 0028-88-IN, the state of emergency has been extended for a period of 60 days, starting 14 July 1988, in the Provinces of Lima and Callao;

By Supreme Decree No. 0029-88-IN, the state of emergency has been extended for a period of 60 days, starting 14 July 1988, in the following areas:

Department of Apurímac;

Department of Huancavelica;

Department of San Martín;

Department of Ayacucho (Provinces of Cangallo, Huamanga, La Mar, Víctor Fajardo, Huancasancos, Huanta, Vilcashuamán and Sucre);

Department of Huánuco (Provinces of Ambo and Leoncio Prado; Districts of Monzón of the Province of Huamalíos and Cholón of the Province of Marañón.

[15 September 1988]

(Dated 13 September 1988)

By Supreme Decree No. 035-88-IN, the Government of Peru extended a state of emergency for a period of 60 days, as of 7 September 1988, in the following departments, provinces and districts:

Department of Apurímac;

Department of Huancavelica;

Department of San Martín;

Department of Ayacucho (Provinces of Cangallo, Huamanga, La Mar, Víctor Fajardo, Huancasancos, Huanta, Vilcashuamán and Sucre);

Department of Pasco (Provinces of Daniel Alcides Carrión and Pasco);

Department of Huánuco (Provinces of Ambo and Leoncio Prado); District of Monzón (Province of Huamalíes); and District of Cholón (Province of Marañón);

Department of Lima (Province of Lima and Constitutional Province of Callao).

[21 December 1988]

(Dated 8 December 1988)

By Supreme Decree No. 035-87-IN, the Government of Peru extended the state of emergency in the Provinces of Lucanas, Parinacochas and Páucar del Sara Sara in the Department of Ayacucho, and the Provinces of Pachitea, Huánuco, Dos de Mayo, Huamalíes and Marañón in the Department of Huánuco for 60 days as of 18 September 1988.

[9 January 1989]

(Dated 5 January 1989)

Extension of the state of emergency for sixty (60) days from 3 January 1989 in the Departments of Apurímac, Huancavelica, San Martín, Junín, Pasco, Ayacucho, Huánuco and Lima, the province of Lima and the Constitutional Province of Callao.

[8 March 1989]

(Dated 6 March 1989)

Extension of the state of emergency for sixty (60) days from 4 March 1989 in the following Departments and Provinces:

The Department of Apurímac (with the exception of the Province of Andahuaylas), the Departments of Huancavalica, San Martín, Junín, Pasco, Ayacucho, Huánuco and Lima, the province of Lima and the Constitutional Province of Callao.

[4 August 1989]

(Dated 2 August 1989)

Extension of the state of emergency for a period of 30 days from 31 July 1989 in the Department of Ucayali and the Province of Ucayali-Contamaná of the Department of Loreto.

[15 August 1989]

(Dated 14 August 1989)

Proclamation of the state of emergency for a period of 30 days from 9 August 1989 in the Province of Huarochirí of the Department of Lima.

[7 June 1990]

(Dated 7 June 1990)

Proclamation of the state of emergency for a period of 30 days, with effect from 31 May 1990, in the province of Lima, Department of Lima, and in the Consitutional Province of Callao.

Suspension of the individual rights provided for in articles 9 and 21 of the Covenant.

POLAND

[Original: English]
[29 January 1982]

... in connection with the proclamation of martial law by the Council of State of the Polish People's Republic, as based on article 33, paragraph 2, of Poland's Constitution, there has been temporary derogation from or limitation of application of provisions of articles 9, 12, paragraphs 1 and 2, 14, paragraphs 5, 19, paragraphs 2, 21 and 22) of the Covenant, to the extent strictly required by the exigencies of the situation ...

Temporary limitation of certain rights of citizens has been prompted by the supreme national interest. It was caused by the exigencies of averting a civil war, economic anarchy as well as destabilization of State and social structures ....

The restrictive measures in question are of a temporary nature. They have already been considerably cut back and along with the stabilizing of the situation, will be successively terminated.

[22 December 1982]

Based on the law passed by the Diet (Seym) of the Polish People's Republic of 18 December 1982 concerning special legal regulation in time of suspension of martial law, derogation from articles 9, 12, paragraphs 1 and 2, 21 and 22 of the Covenant has been terminated as of 31 December 1982.

By terms of the same law and as a result of earlier successive measures, restrictions in the application of provisions of the Covenant which are still derogated from, namely article 14, paragraph 5, and article 19, paragraph 2, have also been considerably reduced.

For instance, with reference to article 14, paragraph 5, of the Covenant emergency procedures have been lifted in relation to crimes and offences committed in social conflicts out of political motivations, they have only been retained with regard to crimes most dangerous to the State's basic economic interests as well as to the life, health and property of its citizens.

[25 July 1983]

Termination of derogations as of 22 July 1983.

RUSSIAN FEDERATION

[Original: Russian]
[18 October 1988]

(Dated 13 October 1988)

[Owing to] nationalistic clashes in the Soviet Union in the Nagorno-Karabach Autonomous Region and the Agdam district of the Azerbaijan Soviet Socialist Republic [and to] contraventions of public order, accompanied in a number of cases by the use of weapons, [which] have unfortunately resulted in casualties and damage to the property of the State and of private individuals [and owing to the attack of] some State institutions ... a state of emergency has been temporarily imposed, and a curfew is in effect, in the Nagorno-Karabakh Autonomous Region and the Agdam district of the Azerbaijan SSR, as of 21 September 1988. The state of emergency has been imposed in order to restore public order, protect citizens' individual and property rights and enforce strict compliance with the law, in accordance with the powers conferred by the Presidium of the Supreme Soviet of the USSR.

While the state of emergency is in force, demonstrations, rallies, meetings and strikes are banned. The movements of civilians and vehicles are restricted between 9 p.m. and 6 a.m. These restrictions represent a partial departure from the provisions of articles 12 and 21 of the International Covenant on Civil and Political Rights. Steps to ensure the safety of civilians and maintain public order are being taken by units of the militia and the armed forces. The local and central organs of power and government are taking steps to normalize the situation; and an elucidation effort is in progress, with the aim of preventing criminal acts and incitement to national hatred.

The Soviet Union will continue to abide strictly by its international obligations arising out of the International Covenant on Civil and Political Rights.

Further information will be provided as concerns the date on which the state of emergency is lifted after the normalization of the situation.

[17 January 1990]

(Dated 15 January 1990)

Proclamation of the state of emergency as from 11 p.m. local time on 15 January 1990, in the territory of the Nagorno-Karabkh autonomous region, the regions of the Azerbaijan SSR adjacent thererto, the Gorissa region of the Armenian SSR and the border zone along the state frontier between the USSR and the territory of the Azerbaijan SSR. The state of emergency was proclaimed owing to incitement by extremist groups which are organizing disorder, stirring up dissension and hostility between nationalities, and which do not hesitate to mine roads, open fire in inhabited areas and take hostages. Articles 9, 12, 19, 21 and 22 of the Covenant were accordingly suspended.

[25 January 1990]

(Dated 29 January 1990)

Proclamation of the state of emergency, as from 20 January in the city of Baku and application to that territory of the Decree adopted by the Presidium of the Supreme Soviet of the USSR on 15 January 1990, in the light of massive disorder organized by criminal extremist forces to overthrow the Government, and also with a view to ensure the protection and security of citizens. Articles 9, 12, 19, 21 and 22 of the Covenant are accordingly suspended.

[26 March 1990]

(Dated 23 March 1990)

Establishment of the state of emergency as from 12 February 1990 in Dushanbe (Tadzhik SSR) because of widespread disorder, arson and other criminal acts which resulted in a threat to the citizens. Articles 9, 12 and 21 of the Covenant were accordingly suspended.

SRI LANKA

[Original: English]
[21 May 1984]

Proclamation of a state of emergency throughout Sri Lanka, and derogation as a consequence from articles 9, paragraph 3, and 14, paragraph 3 (b), of the Covenant as of 18 May 1983.

[23 May 1984]

The Government of Sri Lanka specified that the Emergency Regulations and Special Laws were temporary measures necessitated by the existence of an extraordinary security situation and that it was not intended to continue with them longer than was absolutely necessary.

[16 January 1989]

(Dated 13 January 1989)

Termination of the state of emergency as from 11 January 1989.

[29 August 1989]

(Dated 18 August 1989)

Establishment of the state of emergency for a period of 30 days as from 20 June 1989 and derogation from provisions of article 9 (2).

The notification specifies that the state of emergency was declared in view of the progressive escalation of violence, acts of sabotage and the disruption of essential services throughout the country as from the termination of the state of emergency on 11 January 1989 (see previous notification of 16 January 1989).

SUDAN

[Original: English]

(Dated 21 August 1991)

Notification that a state of emergency was declared on 30 June 1989 when the Revolution for National Salvation took power, in order to ensure security and safety of the country, particularly in view of the political and military situation existing in the southern part of the country. Emergency regulations were issued to complement the provisions of Constitutional Decree no. 2, which established the state of emergency.

[14 February 1992]

(Dated 13 February 1992)

Clarification received that the state of emergency declared from 30 June 1989 derogates specifically from article 2 and article 22, paragraph 1.

SURINAME

[Original: English]

(Dated 5 December 1986)

By General Decree A-22 of 1 December 1986, the Government of Suriname proclaimed a state of emergency for a part of the territory of the Republic of Suriname. The decree reads as follows:

Article 1

1. The State of Emergency is being proclaimed for the part of the territory of the Republic of Suriname, comprising the districts of Marowijne, Commewijne, Para, Brokopondo and that part of the district of Sipaliwini situated between the Marowijne River and 56° west longitude.

2. The territory mentioned in the previous paragraph may be expanded by the Government if necessary.

Article 2

The State of Emergency will remain in force until lifted by decree.

Article 3

The instruction given and measures taken on account of the State of Emergency shall be applicable to anyone being outside of the area mentioned in article 1, paragraph 1, and of whom it has become evident that he conspires with or provides support to persons *case quo* agencies undertaking violent actions in the area for which the State of Emergency has been proclaimed.

Article 4

1. During the State of Emergency, special measures may be taken and instructions given by decision of the military authority in derogation of the existing legislation, taking into consideration the national security, the property, integrity and freedom of persons falling under operation of this decree.

2. Each decision of the military authority taken in conformity with this decree has the same force of law as a decree containing generally binding provisions enacted in the usual manner.

Article 5

Any generally binding instruction issued on the basis of this decree and emanating from the military authority shall be made known to the public in the usual manner.

Article 6

1. This decree shall be published in the Official Gazette of the Republic of Suriname.

2. It shall furthermore be published by the news media in Suriname.

3. It shall take effect as from 2 December 1986 at 00.00 hours.

[18 March 1991]

Termination, as from 1 September 1989, of the state of emergency declared on 1 December 1986 in the territory of the districts of Marowijne, Commewijne, Para, Brolopondo and in part of the territory of the district of Sípaliwini (between the Marowijne river and 56° west. The articles of the Covenant being derogated from were articles 12, 21 and 22.

TRINIDAD AND TOBAGO

[Original: English]
[6 November 1990]

(Dated 15 August 1990)

Proclamation of state of emergency in the Republic of Trinidad and Tobago as from 28 July 1990 for a period of ninety days and derogation from articles 9, 12, 21 and 14 (3).

TUNISIA

[Original: French]

(Dated 6 February 1984)

Further to serious events in Tunisia endangering the lives of the inhabitants, the Tunisian Government was compelled to declare a state of emergency by Decree No. 84-1, of 3 January 1984.

The declaration was made under pre-existing regulations and it scrupulously respects the provisions of the Covenant, more particularly articles 6, 7, 8, paragraphs 1 and 2, 11, 13, 16 and 18.

Decree No. 78-50 of 26 January 1978, governing a state of emergency relates only to the following matters:

1. Prohibition of the movement of persons or vehicles during specific hours of the night, though the curfew was ended on 15 January 1984;

2. Prohibition of all strikes or lock-outs;

3. Control of people's residence and, in particular, local banishment of any person attempting to interfere with the actions of the public authorities in any way;

4. Power to cammandeer persons and property needed for the proper operation of the public services of vital interest to the nation;

5. Power to order that arms and ammunition legally held by physical persons be given up for the period of the state of emergency;

6. Closure of any public place and, in particular, entertainment halls, licensed premises and places of assembly of all kinds;

7. Power to order the entering and searching of premises by day and by night; and

8. Control of publication and broadcasting.

The above-mentioned measures may be enforced at the discretion of the administrative authority notwithstanding the existence of the provisions of the Decree in question.

These regulations for the state of emergency have been issued pursuant to the provisions of the Tunisian Constitution.

Decree No. 78-50 of 26 January 1978 has been applied on one occasion in the past, at least in principle. On 26 January 1978 a state of emergency was declared in application of the Decree, but it was not extended and the Decree was not actually applied because the country promptly returned to normal, for which reason the Tunisian Government did not at the time inform the States parties to the Covenant of the application of the Decree. Lastly, the state of emergency automatically terminates on 3 February 1984, pursuant to article 2 of the above-mentioned Decree of 1978, but the Head of State wished to confirm this end to the state of emergency by an official communiqué.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]
[17 May 1976]

The Government of the United Kingdom notify other States parties to the present Covenant, in accordance with article 4, of their intention to take and continue measures derogating from their obligations under the Covenant.

There have been in the United Kingdom in recent years campaigns of organized terrorism related to Northern Irish affairs which have manifested themselves in activities which have included murder, attempted murder, maiming, intimidation and violent civil disturbances and in bombing and fire-raising which have resulted in death, injury and widespread destruction of property. This situation constitutes a public emergency within the meaning of article 4, paragraph 1, of the Covenant. The emergency commenced prior to the ratification by the United Kingdom of the Covenant and legislation has, from time to time, been promulgated with regard to it.

The Government of the United Kingdom have found it necessary (and in some cases continue to find it necessary) to take powers, to the extent strictly required by the exigencies of the situation, for the protection of life, for the protection of property and the prevention of outbreaks of public disorder, and including the exercise of powers of arrest and detention and exclusion. In so far as any of these measures is inconsistent with the provisions of articles 9, 10, paragraphs 2, 10, paragraphs 3, 12, paragraphs 1, 14, 17, 19, paragraphs 2, 21 or 22 of the Covenant, the United Kingdom hereby derogates from its obligations under those provisions.

[22 August 1984]

Termination forthwith of derogations from articles 9, 10, paragraphs 2, 10, paragraphs 3, 12, paragraphs 1, 14, 17, 19, paragraphs 2, 21 and 22 of the Covenant.

[23 December 1988]

[The Government of the United Kingdom of Great Britain and Northern Ireland] have found it necessary to take or continue measures derogating in certain respects from their obligations under article 9 of the Covenant. (For the reasons of that decision, see paragraph 2 of a previous notification of 17 May 1976, which continue to apply).

Persons reasonably suspected of involvement in terrorism connected with the affairs of Northern Ireland, or of offences under the legislation and who have been detained for 48 hours may be, on the authority of the Secretary of State, further detained without charge for periods of up to five days.

Notwithstanding the judgement of 29 November 1988 by the European Court of Human Rights in the case of Brogan and Others, the Government has found it necessary to continue to exercise the powers described above but to the extent strictly required by the exigencies of the situation to enable necessary inquiries and investigations properly to be completed in order to decide whether criminal proceedings should be instituted. [This notice is given] in so far as these measures may be inconsistent with article 9 (3) of the Covenant.

[31 March 1989]

(Dated 23 March 1989)

Replacement as from 22 March 1989, of the measures indicated in the previous notification of 23 December 1988 by section 14 of and paragraph 6 of Schedule 5 to the Prevention of Terrorism (Temporary Provisions) Act 1989, which make comparable provision.

[18 December 1989]

(Dated 12 December 1989)

The Government of the United Kingdom have [previously] found it necessary to take and continue [various measures], derogating in certain respects from obligations under article 9 of the International Covenant on Civil and Political Rights.

On 14 November 1989 the Home Secretary announced that the Government had concluded that a satisfactory procedure for the review of detention of terrorist suspects involving the judiciary had not been identified and that the derogation notified under article 4 of the Covenant would therefore remain in place for as long as circumstances require.

URUGUAY

[Original: Spanish]
[30 July 1979]

[The Government of Uruguay] has the honour to request that the requirement laid down in article 4, paragraph 3, of the International Covenant on Civil and Political Rights should be deemed to have been formally fulfilled with regard to the existence and maintenance in Uruguay of a public emergency as referred to in article 4, paragraph 1.

This emergency situation, the nature and consequences of which match the description given in article 4, namely that they threaten the life of the nation, is a matter of universal knowledge, and the present communication might thus appear superfluous in so far as the provision of substantive information is concerned.

This issue has been the subject of countless official statements at both the regional and the international level.

None the less, my Government wishes both to comply formally with the above-mentioned requirement and to reiterate that the emergency measures which it has taken, and which comply strictly with the requirements of article 4, paragraph 2, are designed precisely to achieve genuine, effective and lasting protection of human rights, the observance and promotion of which are the essence of our existence as an independent and sovereign nation.

Notwithstanding what has been stated above, the information referred to in article 4, paragraph 3, concerning the nature and duration of the emergency measures will be provided in more detailed form when the report referred to in article 40 of the Covenant is submitted, so that the scope and evolution of these measures can be fully understood.

VENEZUELA

[Original: Spanish]
[12 April 1989]

(Dated 17 March 1989)

Establishment of emergency measures and derogation from articles 9, 12, 17, 19 and 21 throughout Venezuela. The notification stipulates that derogation was effected due to a series of serious breaches of the peace having taken place throughout Caracas and in other cities in the country and outbursts of violence, acts of vandalism and violations of the security of Venezuelan individuals and households, leading to loss of life and the destruction of much property, thus causing a further deterioration in the economic situation of the country.

(Dated 31 March 1989)

Re-establishment as from 22 March 1989 of the constitutional safeguards which had been suspended as stated in the previous notification of 17 March 1989.

[14 February 1992]

(Dated 11 February 1992)

Notification of the temporary suspension in all the territory of Venezuela of a number of constitutionally protected liberties and freedoms as a result of the issuance of Council of Ministers Decree 2086 on 4 February 1992, which was subsequently ratified by a joint session of the National Congress on the same day. The decree specifies the suspension of guarantees provided for under paragraphs 1, 2, 6 and 10 of article 60 of the Constitution as well as articles 62, 64, 66, 71, 92 and 115, thereby derogating from articles 9, 12, 17, 19 and 21 of the Covenant. The notification stipulates that the decree was issued to facilitate the restoration of public order following military activity directed against the constitutional and democratic Government of President Carlos Andres Perez.

[25 February 1992]

(Dated 21 February 1992)

Promulgation of Council of Ministers Decree No. 2097 providing for the partial restoration of guarantees suspended on 4 February 1992. Specifically, articles 64, 66 and 92 of the Constitution relating to freedom of movement, freedom of expression and the right to strike were restored throughout the national territory.

YUGOSLAVIA

[Original: English]
[17 April 1989]

(Dated 14 April 1989)

Derogation from articles 12 and 21 of the Covenant in the Autonomous Province of Kosovo as from 28 March 1989. The measure became necessary because of disorders which led to the loss of human lives and which had threatened the established social system. This situation which represented a general danger was a threat to the rights, freedoms and security of all the citizens of the Province, regardless of nationality.

[30 May 1989]

(Dated 29 May 1989)

Termination of the derogation from the provisions of article 12 of the Covenant in the Autonomous Province of Kosovo as from 21 May 1989. The right of public assembly [article 21] continues to be temporarily suspended but only as concerns demonstrations. This is aimed at protecting public order, peace and the rights of citizens, regardless of nationality.

[20 March 1990]

(Dated 19 March 1990)

As of 21 February 1990 and owing to the escalation of disorders which had led to the loss of human lives, the movement of persons in Kosovo was prohibited from 9 p.m. to 4 a.m.; thereby derogating from article 12; and public assembly was prohibited for the purpose of demonstration, thereby derogating from article 21. The Government of Yugoslavia further indicated that the measure derogating from article 12 had been terminated as of 10 March 1990.

[26 April 1990]

(24 April 1990)

Termination of the state of emergency with effect from 18 April 1990.

F. Declarations recognizing the competence of the Human Rights Committee under article 41 of the Covenant 9/

(Unless otherwise indicated, the declarations were made upon ratification or accession)

General information

The States which have made the declaration under article 41 of the Covenant are as follows:

State party	Valid from	Valid until
Algeria	12 September 1989	Indefinitely
Argentina	8 August 1986	Indefinitely
Austria	10 September 1978	Indefinitely
Belgium	5 March 1987	Indefinitely
Canada	29 October 1979	Indefinitely
Chile	11 March 1990	Indefinitely
Congo	7 July 1989	Indefinitely
Czech and Slovak Federal Republic	20 March 1991	Indefinitely
Denmark	23 March 1976	Indefinitely
Ecuador	24 August 1984	Indefinitely
Finland	19 August 1975	Indefinitely
Gambia	9 June 1988	Indefinitely
Germany	28 March 1979	27 March 1996
Hungary	7 September 1988	Indefinitely
Iceland	22 August 1979	Indefinitely
Ireland	8 December 1989	Indefinitely
Italy	15 September 1978	Indefinitely
Luxembourg	18 August 1983	Indefinitely
Malta	13 September 1990	Indefinitely
Netherlands	11 December 1978	Indefinitely
New Zealand	28 December 1978	Indefinitely
Norway	23 March 1976	Indefinitely
Peru	9 April 1984	Indefinitely
Philippines	23 October 1986	Indefinitely
Poland	25 September 1990	Indefinitely
Republic of Korea	10 April 1990	Indefinitely
Russian Federation	1 October 1991	Indefinitely
Senegal	5 January 1981	Indefinitely
Spain	25 January 1985	25 January 1993
Sri Lanka	11 June 1980	Indefinitely
Sweden	23 March 1976	Indefinitely
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Indefinitely
Zimbabwe	20 August 1991	Indefinitely

ALGERIA

[12 September 1989]

The Government of the Democratic People's Republic of Algeria declares, pursuant to article 41 of the Covenant, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

ARGENTINA

The instrument contains a declaration under article 41 of the Covenant by which the Government of Argentina recognizes the competence of the Human Rights Committee established by virtue of the International Covenant on Civil and Political Rights.

AUSTRIA

[10 September 1978]

[The Government of the Republic of Austria] declares under article 41 of the Covenant on Civil and Political Rights that Austria recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant on Civil and Political Rights.

BELGIUM

[18 June 1987]

The Kingdom of Belgium declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications submitted by another State party, provided that such State party has, not less than 12 months prior to the submission by it of a communication relating to Belgium, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

CANADA

[29 October 1979]

The Government of Canada declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State party, provided that such State party has, not less than 12 months prior to the submission by it of a communication relating to Canada, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

CHILE

[7 September 1990]

By virtue of the powers vested in me by the Political Constitution of the Republic, I hereby declare that, as from the date of this instrument, the Government of Chile recognizes the competence of the Human Rights Committee established under the International Covenant on Civil and Political Rights, in accordance with article 41 thereof, with regard to all actions which may have been initiated since 11 March 1990.

CONGO

[7 July 1989]

Pursuant to article 41 of the International Covenant on Civil and Political Rights, the Congolese Government recognizes, with effect from today's date, the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the above-mentioned Covenant.

CZECH AND SLOVAK FEDERAL REPUBLIC

[12 March 1991]

The Czech and Slovak Federal Republic declares, in accordance with article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee established on the basis of article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

DENMARK

[19 April 1983] [10]

[The Government of Denmark] recognizes, in accordance with article 41 of the International Covenant on Civil and Political Rights, opened for signature in New York on 19 December 1966, the competence of the Committee referred to in article 41 to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

ECUADOR

[6 August 1984]

... The Government of Ecuador recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the aforementioned Covenant, as provided for in paragraph 1 (a), (b), (c), (d), (e), (f), (g) and (h) of that article.

This recognition of competence is effective for an indefinite period and is subject to the provisions of article 41, paragraph 2, of the International Covenant on Civil and Political Rights.

FINLAND

[19 August 1975]

Finland declares, under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligation under this Covenant.

GAMBIA

[9 June 1988]

The Government of the Gambia hereby declares that the Gambia recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the present Covenant.

GERMANY 11/

[24 March 1986] 12/

The Federal Republic of Germany, in accordance with article 41 of the said Covenant, recognizes for a further five years from the date of expiry of the declaration of 28 March 1981 the competence of the Human Rights Committee to receive and consider communications from a State party in so far as that State party has recognized in regard to itself the competence of the Committee and as corresponding obligations have been assumed under the Covenant by the Federal Republic of Germany and by the State party concerned.

[10 May 1991]

The Federal Republic of Germany, in accordance with article 41 of the said Covenant, recognizes for a further five years from the date of expiry of the declaration of 24 March 1986 the competence of the Human Rights Committee to receive and consider communications from a State party in so far as that State party has recognized in regard to itself the competence of the Committee and as corresponding obligations have been assumed under the Covenant by the Federal Republic of Germany and by the State party concerned.

HUNGARY

[7 September 1988]

The Hungarian People's Republic declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee established under article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

ICELAND

[22 August 1979]

The Government of Iceland ... recognizes, in accordance with article 41 of the International Covenant on Civil and Political Rights, the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

IRELAND

The Government of Ireland hereby declares that in accordance with article 41 they recognize the competence of the said Human Rights Committee established under article 28 of the said Covenant.

ITALY

[15 September 1978]

The Italian Republic recognizes the competence of the Human Rights Committee, elected in accordance with article 28 of the Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

LUXEMBOURG

[18 August 1983]

The Government of Luxembourg recognizes, in accordance with article 41, the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

MALTA

Furthermore, the Government of Malta declares that under article 41 of this Covenant it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State party, provided that such other State party has, not less than 12 months prior to the submission by it of a communication relating to Malta, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

NETHERLANDS

[11 December 1978]

The Kingdom of the Netherlands declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

NEW ZEALAND

[28 December 1978]

The Government of New Zealand declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee to receive and consider communications from another State party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself except where the declaration by such a State party was made less than 12 months prior to the submission by it of a complaint relating to New Zealand.

NORWAY

[31 August 1972]

Norway recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

PERU

[9 April 1984]

Peru recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant on Civil and Political Rights, in accordance with article 41 of the said Covenant.

PHILIPPINES

The Phillipine Government, in accordance with article 41 of the said Covenant recognizes the competence of the Human Rights Committee, set up in the aforesaid Covenant, to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

POLAND

[25 September 1990]

The Republic of Poland recognizes, in accordance with article 41, paragraph 1, of the International Covenant on Civil and Political Rights, the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

REPUBLIC OF KOREA

[The Government of the Republic of Korea] recognizes the competence of the Human Rights Committee under article 41 of the Covenant.

RUSSIAN FEDERATION

[1 October 1991]

The Union of Soviet Socialist Republics declares that, pursuant to article 41 of the International Covenant on Civil and Political Rights, it recognizes the competence of the Human Rights Committee to receive and consider communications submitted by another State party, in respect of situations and events occurring after the adoption of the present declaration, provided that the State party in question has, not less than 12 months prior to the submission by it of such a communication, recognized in regard to itself the competence of the Committee, established in article 41, in so far as obligations have been assumed under the Covenant by the USSR and by the State concerned.

SENEGAL

[5 January 1981]

The Government of Senegal declares, under article 41 of the International Covenant on Civil and Political Rights, that it recognizes the competence of the Human Rights Committee referred to in article 28 of the said Covenant to receive and consider communications submitted by another State party, provided that such State party has, not less than 12 months prior to the submission by it of a communication relating to Senegal, made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

SPAIN

[21 December 1988] 13/

The Spanish Government declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes, for a period of five years as from the date of deposit of this declaration, the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under this Covenant.

SRI LANKA

[11 June 1980]

The Government of the Democratic Socialist Republic of Sri Lanka declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant, from another State party which has similarly declared under article 41 its recognition of the Committee's competence in respect to itself.

SWEDEN

[26 November 1971]

Sweden recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the Covenant.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[20 May 1976]

The Government of the United Kingdom declares under article 41 of this Covenant that the United Kingdom recognizes the competence of the Human Rights Committee to receive and consider communications submitted to another State party, provided that such other State party has, not less than 12 months prior to the submission by it of a communication relating to the United Kingdom made a declaration under article 41 recognizing the competence of the Committee to receive and consider communications relating to itself.

ZIMBABWE

[20 August 1991]

Pursuant to article 41 of the International Covenant on Civil and Political Rights, the Government of the Republic of Zimbabwe recognizes the competence of the Human Rights Committee to receive and consider communications to the effect that a State party claims that another State party is not fulfilling its obligations under the above-mentioned Covenant.

Territorial application

Participant	Date of notification	Territories
Netherlands	11 December 1978	Netherlands Antilles
United Kingdom	20 May 1976	The Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and Dependencies, Gibraltar, the Gilbert Islands, Hong Kong, Montserrat, the Pitcairn Group, St. Helena and Dependencies, the Solomon Islands, the Turks and Caicos Islands and Tuvalu

II. OPTIONAL PROTOCOLS TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

A. OPTIONAL PROTOCOL

1. General information

Adopted by the General Assembly of the United Nations on 16 December 1966

Entry into force: 23 March 1976, in accordance with article 9.

Registration: 23 March 1976, No. 14668.

Text: United Nations, *Treaty Series*, vol. 999, p. 171.

The Protocol was opened for signature at New York on 19 December 1966.

Participant	Signature	Ratification, accession a/
Algeria		12 September 1989 a/
Angola		10 January 1992 a/
Argentina		8 August 1986 a/
Australia		25 September 1991 a/
Austria	10 December 1973	10 December 1987
Barbados		5 January 1973 a/
Benin		12 March 1992 a/
Bolivia		12 August 1982 a/
Bulgaria		26 March 1992 a/
Cameroon		27 June 1984 a/
Canada		19 May 1976 a/
Central African Republic		8 May 1981 a/
China 14/		
Colombia	21 December 1966	29 October 1969
Congo		5 October 1983 a/
Costa Rica	19 December 1966	29 November 1968
Cyprus	19 December 1966	
Czech and Slovak Federal Republic		12 March 1991 a/
Denmark	20 March 1968	6 January 1972
Dominican Republic		4 January 1978 a/
Ecuador	4 April 1968	6 March 1969
El Salvador	21 September 1967	
Equatorial Guinea		25 September 1987 a/
Estonia		21 October 1991 a/
Finland	11 December 1967	19 August 1975
France		17 February 1984 a/
Gambia		9 June 1988 a/
Guinea	19 March 1975	
Honduras	19 December 1966	
Hungary		7 September 1988 a/

Participant	Signature	Ratification, accession a/
Iceland		22 August 1979 a/
Ireland		8 December 1989
Italy	30 April 1976	15 September 1978
Jamaica	19 December 1966	3 October 1975
Libyan Arab Jamahiriya		16 May 1989 a/
Lithuania		20 November 1991
Luxembourg		18 August 1983 a/
Madagascar	17 September 1969	21 June 1971
Malta		13 September 1990 a/
Mauritius		12 December 1973 a/
Mongolia		16 April 1991 a/
Nepal		14 May 1991 a/
Netherlands	25 June 1969	11 December 1978
New Zealand		26 May 1989 a/
Nicaragua		12 March 1980 a/
Niger		7 March 1986 a/
Norway	20 March 1968	13 September 1972
Panama	27 July 1976	8 March 1977
Peru	11 August 1977	3 October 1980
Philippines	19 December 1966	22 August 1989
Poland		7 November 1991 a/
Portugal	1 August 1978	3 May 1983
Republic of Korea		10 April 1990 a/
Russian Federation		1 October 1991 a/
Saint Vincent and the Grenadines		9 November 1981 a/
San Marino		18 October 1985 a/
Senegal	6 July 1970	13 February 1978
Somalia		24 January 1990 a/
Spain		25 January 1985 a/
Suriname		28 December 1976 a/
Sweden	29 September 1967	6 December 1971
Togo		30 March 1988 a/
Trinidad and Tobago		14 November 1980 a/
Ukraine		25 July 1990 a/
Uruguay	21 February 1967	1 April 1970
Venezuela	15 November 1976	10 May 1978
Yugoslavia	14 March 1990	
Zaire		1 November 1976 a/
Zambia		10 April 1984 a/

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2. Texts of reservations and declarations

(Unless otherwise indicated, the declarations and reservations were made upon ratification or accession).

AUSTRIA 15/

The Republic of Austria ratifies the Optional Protocol to the International Covenant on Civil and Political Rights on the understanding that, further to the provisions of article 5 (2) of the Protocol, the Committee provided for in article 28 of the Covenant shall not consider any communication from an individual unless it has been ascertained that the same matter has not been examined by the European Commission of Human Rights established by the European Convention for the Protection of Human Rights and Fundamental Freedoms.

DENMARK 15/

With reference to article 5, paragraph 2 (a), the Government of Denmark makes a reservation with respect to the competence of the Committee to consider a communication from an individual if the matter has already been considered under other procedures of international investigation.

FRANCE

Declaration

France interprets article 1 of the Protocol as giving to the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of the French Republic who claim to be victims of a violation by the Republic of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occurring after the date on which the Protocol entered into force for the Republic, or from a decision relating to acts, omissions, developments or events after that date.

With regard to article 7, the accession of France to the Optional Protocol should not be interpreted as implying any change in its position concerning the resolution referred to in that article.

Reservation

France makes a reservation to article 5, paragraph 2 (a), specifying that the Human Rights Committee shall not have competence to consider a communication from an individual if the same matter is being examined or has already been considered under another procedure of international investigation or settlement.

ICELAND 15/

Iceland ... accedes to the said Protocol subject to a reservation, with reference to article 5, paragraph 2, with respect to the competence of the Human Rights Committee to consider a communication from an individual if the matter is being examined or has been examined under another procedure of international investigation or settlement. Other provisions of the Covenant shall be inviolably observed.

IRELAND

Article 5, paragraph 2

Ireland does not accept the competence of the Human Rights Committee to consider a communication from an individual if the matter has already been considered under another procedure of international investigation or settlement.

ITALY 15/

The Italian Republic ratifies the Optional Protocol to the International Covenant on Civil and Political Rights, it being understood that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee provided for in article 28 of the Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being and has not been examined under another procedure of international investigation or settlement.

LUXEMBOURG

Declaration

The Grand Duchy of Luxembourg accedes to the Optional Protocol to the International Covenant on Civil and Political Rights on the understanding that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee established by article 28 of the Covenant shall not consider any communications from an individual unless it has ascertained that the same matter is not being examined or has not already been examined under another procedure of international investigation or settlement.

MALTA

Declarations

1. Malta accedes to the Optional Protocol to the International Covenant on Civil and Political Rights, on the understanding that the provisions of article 5, paragraph 2, of the Protocol mean that the Committee established by article 28 of the Covenant, shall not consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not already been examined under another procedure of international investigation or settlement.

2. The Government of Malta interprets article 1 of the Protocol as giving the Committee the competence to receive and consider communications from individuals subject to the jurisdiction of Malta who claim to be victims of a violation by Malta of any of the rights set forth in the Covenant which results either from acts, omissions, developments or events occuring after the date on which the Protocol enters into force for Malta, or from a decision relating to acts, omissions, developments or events after that date.

NORWAY 15/

Article 5, paragraph 2

The Committee shall not have competence to consider a communication from an individual if the same matter has already been examined under other procedures of international investigation or settlement.

POLAND

The Republic of Poland decides to accede to the aforementioned Protocol while making a reservation that would exclude the procedure set out in article 5, paragraph 2 (a) in cases where the matter has already been examined under another international procedure of international investigation or settlement.

RUSSIAN FEDERATION

The Union of Soviet Socialist Republics, pursuant to article 1 of the Optional Protocol, recognizes the competence of the Human Rights Committee to receive and consider communications from individuals subject to the jurisdiction of the Union of Soviet Socialist Republics, in respect of situations or events occurring after the date on which the Protocol entered into force for the USSR.

The Soviet Union also proceeds from the understanding that the Committee shall not consider any communications unless it has been ascertained that the same matter is not being examined under another procedure of international investigation or settlement and that the individual in question has exhausted all available domestic remedies.

SPAIN

The Spanish Government accedes to the Optional Protocol to the International Covenant on Civil and Political Rights, on the understanding that the provisions of article 5, paragraph 2, of that Protocol mean that the Human Rights Committee shall not consider any communication from an individual unless it has ascertained that the same matter has not been or is not being examined under another procedure of international investigation or settlement.

SWEDEN 15/

On the understanding that the provisions of article 5, paragraph 2, of the Protocol signify that the Human Rights Committee provided for in article 28 of the said Covenant shall not consider any communication from an individual unless it has ascertained that the same matter is not being examined or has not been examined under another procedure of international investigation or settlement.

VENEZUELA

[Same reservation as that made by Venezuela in respect of article 14, paragraph 3 (d), of the International Covenant on Civil and Political Rights: see chapter I, section B]

Territorial application

Participant	Date of receipt of the notification	Territories
Netherlands	11 December 1978	Netherlands Antilles

B. SECOND OPTIONAL PROTOCOL AIMING AT THE ABOLITION OF THE DEATH PENALTY

1. General information

Adopted by the General Assembly of the United Nations on 15 December 1989

Entry into force: 11 July 1991, in accordance with article 8 (1)

Registration: 11 July 1991, No. A/14668

Text: (not yet reproduced in the United Nations *Treaty Series*)

The Second Optional Protocol was opened for signature at New York on 15 December 1989

Participant	Signature	Ratification, accession a/
Australia		2 October 1990 a/
Austria	8 April 1991	
Belgium	12 July 1990	
Costa Rica	14 February 1990	
Denmark	13 February 1990	
Finland	13 February 1990	4 April 1991
Germany	13 February 1990	
Honduras	10 May 1990	
Iceland	30 January 1991	2 April 1991
Italy	13 February 1990	
Luxembourg	13 February 1990	12 February 1992
Netherlands	9 August 1990	27 February 1991
New Zealand	22 February 1990	22 February 1990
Nicaragua	21 February 1990	
Norway	13 February 1990	5 September 1991
Portugal	13 February 1990	17 October 1990
Romania	15 March 1990	27 February 1991
Spain	23 February 1990	11 April 1991
Sweden	13 February 1990	11 May 1990
Uruguay	13 February 1990	
Venezuela	7 June 1990	

2. Texts of reservations and declarations

SPAIN

Pursuant to article 2, Spain reserves the right to apply the death penalty in the exceptional and extremely serious cases provided for in Fundamental Act No. 13/1985 of 9 December 1985 regulating the Military Criminal Code, in wartime as defined in article 25 of that Act.

Notes

1/ United Nations publication, Sales No. E.92.V.4.

2/ Signed on behalf of the Republic of China on 5 October 1967.

With reference to the above-mentioned signature, communications have been addressed to the Secretary-General by the Permanent Representatives or Permanent Missions to the United Nations of Bulgaria, the Byelorussian Soviet Socialist Republic, Czechoslovakia, Mongolia, Romania, the Ukrainian Soviet Socialist Republic, the Union of Soviet Socialist Republics and Yugoslavia, stating that their Governments did not recognize the said signature as valid since the only Government authorized to represent China and to assume obligations on its behalf was the Government of the People's Republic of China.

In letters addressed to the Secretary-General in regard to the above-mentioned communications, the Permanent Representative of China to the United Nations stated that the Republic of China, a sovereign State and Member of the United Nations, had attended the twenty-first regular session of the General Assembly of the United Nations and contributed to the formulation of, and signed the Covenants and the Optional Protocol concerned, and that "any statements or reservations relating to the above-mentioned Covenants and Optional Protocol that are incompatible with or derogatory to the legitimate position of the Government of the Republic of China shall in no way affect the rights and obligations of the Republic of China under these Covenants and Optional Protocol".

3/ With respect to the signature by Democratic Kampuchea the Secretary-General received, on 5 November 1980, the following communication from the Government of Mongolia:

"The Government of the Mongolian People's Republic considers that only the People's Revolutionary Council of Kampuchea as the sole authentic and lawful representative of the Kampuchean people has the right to assume international obligations on behalf of the Kampuchean people. Therefore the Government of the Mongolian People's Republic considers that the signature of the Human Rights Covenants by the representative of so-called Democratic Kampuchea, a regime that ceased to exist as a result of the people's revolution in Kampuchea, is null and void.

"The signing of the Human Rights Covenants by an individual, whose regime during its short period of reign in Kampuchea exterminated about 3 million people and thus grossly violated the elementary norms of human rights, each and every provision of the Human Rights Covenants, is a regrettable precedent, which discredits the noble aims and lofty principles of the Charter of the United Nations, the very spirit of the above-mentioned Covenants, and gravely impairs the prestige of the United Nations."

Thereafter, similar communications were received from the Governments of the following States on the dates indicated:

State	Date of receipt
German Democratic Republic	11 December 1980
Poland	12 December 1980
Ukrainian SSR	16 December 1980
Hungary	19 January 1981
Bulgaria	29 January 1981
Union of Soviet Socialist Republics	18 February 1981
Byelorussian SSR	18 February 1981
Czechoslovakia	10 March 1981

4/ With the following declaration: "... The said Covenant shall also apply to Berlin (West) with effect from the date on which it enters into force for the Federal Republic of Germany except as far as Allied rights and responsibilities are affected."

In this connection, the Secretary-General received on 5 July 1974 a communication from the Government of the Union of Soviet Socialist Republics which states in part as follows:

By reason of their material content, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 directly affect matters of security and status. With this in mind the Soviet Union considers the statement made by the Federal Republic of Germany concerning the extension of the operation of these Covenants to Berlin (West) to be illegal and to have no force in law, since, under the Quadripartite Agreement of 3 September 1971, the treaty obligations of the Federal Republic of Germany affecting matters of security and status may not be extended to the Western Sectors of Berlin.

Communications identical in essence, mutatis mutandis, were received from the Governments of the German Democratic Republic (12 August 1974) and of the Ukrainian Soviet Socialist Republic (16 August 1974).

In this regard, the Governments of France, the United Kingdom and the United States of America, in a communication received on 5 November 1974, made the following declaration:

"The Governments of France, the United Kingdom of Great Britain and Northern Ireland and the United States of America wish to bring to the attention of the States parties to the Covenants that the extension of the Covenants to the Western Sectors of Berlin received the prior authorization, under established procedures, of the authorities of France, the United Kingdom and the United States on the basis of their supreme authority in those Sectors.

"The Government of France, the United Kingdom and the United States wish to point out that the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, the primary purpose of both of which is the protection of the rights of the individual, are not treaties which 'by reason of their material content, directly affect matters of security and status'.

"As for the references to the Quadripartite Agreement of 3 September 1971 which are contained in the communication made by the Government of the Union of Soviet Socialist Republics referred to in the Legal Counsel's note, the Governments of France, the United Kingdom and the United States wish to point out that, in a communication to the Government of the Union of Soviet Socialist Republics, which is an integral part (annex IV A) of the Quadripartite Agreement, they reaffirmed that, provided that matters of security and status were not affected, international agreements and arrangements entered into by the Federal Republic of Germany might be extended to the Western Sectors of Berlin. For its part the Government of the Union of Soviet Socialist Republics, in a communication to the Governments of France, the United Kingdom and the United States which is similarly an integral part (annex IV B) of the Quadripartite Agreement, affirmed that it would raise no objection to such extension.

"In authorizing the extension of the Covenants to the Western Sectors of Berlin, as mentioned above, the authorities of France, the United Kingdom and the United States took all necessary measures to ensure that the Covenants could not be applied in the Western Sectors of Berlin in such a way as to affect matters of security and status. Accordingly, the application of the Covenants to the Western Sectors of Berlin continues in full force and effect."

In a communication received on 6 December 1974, the Government of the Federal Republic of Germany stated in part:

"By their note of 4 November 1974, circulated to all States parties to either of the Covenants by C.N.306.1974.TREATIES-7 of 19 November 1974, the Governments of France, the United Kingdom and the United States answered the assertions made in the communication of the Government of the Union of Soviet Socialist Republics referred to above. The Government of the Federal Republic of Germany shares the position set out in the note of the three Powers. The extension of the Covenants to Berlin (West) continues in full force and effect."

On the same subject, the Secretary-General received the following communications:

Union of Soviet Socialist Republics (13 February 1975)

The Soviet Union deems it essential to reassert its view that the extension by the Federal Republic of Germany of the operation of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights of 19 December 1966 to Berlin (West) is illegal as stated in the note dated 4 July 1974 addressed to the Secretary-General (C.N.145.1974.TREATIES-3) of 5 August 1974.

France, United Kingdom of Great Britain and Northern Ireland and United States of America (8 July 1975 - in relation to the declarations by the German Democratic Republic and the Ukrainian Soviet Socialist Republic received on 12 and 16 August 1974, respectively)

"The communications mentioned in the notes listed above refer to the Quadripartite Agreement of 3 September 1971. This Agreement was concluded in Berlin between the Governments of the French Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America. The Governments sending these communications are not parties to the Quadripartite Agreement and are therefore not competent to make authoritative comments on its provisions.

The Governments of France, the United Kingdom and the United States wish to bring the following to the attention of the States parties to the instruments referred to in the above-mentioned communications. When authorizing the extension of these instruments to the Western Sectors of Berlin, the authorities of the three Powers, acting in the exercise of their supreme authority, ensured in accordance with established procedures that those instruments are applied in the Western Sectors of Berlin in such a way as not to affect matters of security and status.

Accordingly, the application of these instruments to the Western Sectors of Berlin continues in full force and effect.

The Governments of France, the United Kingdom and the United States do not consider it necessary to respond to any further communications of a similar nature by States which are not signatories to the Quadripartite Agreement. This should not be taken to imply any change in the position of those Governments in this matter."

Federal Republic of Germany (19 September 1975 - in relation to the declarations by the German Democratic Republic and the Ukrainian Soviet Socialist Republic received on 12 and 16 August 1974, respectively):

"By their note of 8 July 1975, disseminated by Circular Note ... C.N.198.1975.TREATIES-6 of 13 August 1975, the Governments of France, the United Kingdom and the United States answered the assertions made in the communications referred to above. The Government of the Federal Republic of Germany, on the basis of the legal situation set out in the note of the three Powers, wishes to confirm that the application in Berlin (West) of the above-mentioned instruments extended by it under the established procedures continues in full force and effect.

"The Government of the Federal Republic of Germany wishes to point out that the absence of a response to further communications of a similar nature should not be taken to imply any change of its position in this matter."

5/ In this connection, the Secretary-General received on 23 April 1982 from the Government of the Federal Republic of Germany the following declaration with regard to the declaration made by France concerning article 27 of the said Covenant.

The Federal Government refers to the declaration on article 27 made by the French Government and stresses in this context the great importance attaching to the rights guaranteed by article 27. It interprets the French declaration as meaning that the Constitution of the French Republic already fully guarantees the individual rights protected by article 27.

6/ See also footnote 4.

7/ In two communications received by the Secretary-General on 10 July 1969 and 23 March 1971 respectively, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of Iraq on signing and ratifying the above Covenants. In the view of the Government of Israel, these two Covenants are not the proper place for making such political pronouncements. The Government of Israel will, in so far as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity."

Identical communications, mutatis mutandis, were received by the Secretary-General from the Government of Israel on 9 July 1969 in respect of the declaration made on accession by the Government of the Syrian Arab Republic, and on 29 June 1970 in respect of the declaration made on accession by the Government of Libya. In the latter communication, the Government of Israel moreover stated that the declaration concerned "cannot in any way affect the obligations of the Libyan Arab Republic already existing under general international law".

8/ In a communication received by the Secretary-General on 31 January 1979, the Government of Trinidad and Tobago confirmed that paragraph (vi) constituted an interpretative declaration which did not aim to exclude or modify the legal effect of the provisions of the Covenant.

9/ See "Entry into force", chap. I, sect. A.

10/ A previous declaration received on 6 April 1978 expired on 23 March 1983.

11/ In a communication accompanying the declaration, the Government of the Federal Republic of Germany indicated that in this connection it wished to recall the reservations made by the Federal Republic upon ratification with regard to articles 19, 21 and 22 in conjunction with article 2, paragraph 1, and with regard to articles 14, paragraph 3, 14, paragraph 5, and 15, paragraph 1 of the said Covenant, and the reservation in favour of Allied rights and responsibilities contained in the declaration (see footnote 4), also made upon ratification, on the application of the Covenant to Berlin (West).

12/ A previous declaration, received on 28 March 1981, expired on 28 March 1986.

13/ A previous declaration, received on 25 January 1985, expired on 25 January 1988.

14/ See footnote 2.

15/ See text of the declaration by the State party recognizing the competence of the Human Rights Committee under article 41 of the Covenant in chapter I, section F.

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Articles of the Covenant	States parties which made reservations, declarations or notifications
Art. 1	India, United Kingdom of Great Britain and Northern Ireland
Art. 1, para. 3	Algeria, Romania
Art. 2	Belgium
Art. 2, para. 1	Australia*, Germany
Art. 2, paras. 2 and 3	Australia*
Art. 3	Belgium
Art. 4	Israel
Art. 4, para. 1	France
Art. 4, para. 2	Trinidad and Tobago
Art. 4, para. 3	Bolivia, Chile, Colombia, Ecuador, El Salvador, Nicaragua, Peru, Poland, Sri Lanka, Tunisia, United Kingdom, Uruguay
Art. 6, para. 4	Norway*
Art. 6, para. 5	Ireland
Art. 8, para. 3 (a)	Iceland
Art. 9	Austria, France, India, Israel
Art. 9, para. 3	Finland
Art. 9, para. 5	Italy, Mexico
Art. 10, para. 2	Ireland
Art. 10, para. 2 (a)	Australia, Belgium, Netherlands, United Kingdom
Art. 10, para. 2 (b)	Australia, Finland, Iceland, Netherlands, New Zealand, Norway, Trinidad and Tobago, United Kingdom

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* Reservations or declarations were withdrawn.

Articles of the Covenant	States parties which made reservations, declarations or notifications
Art. 10, para. 3	Australia, Austria, Belgium, Denmark, Finland, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Trinidad and Tobago, United Kingdom
Art. 11	Congo, United Kingdom
Art. 12	India
Art. 12, para. 1	Netherlands, United Kingdom
Art. 12, para. 2	Netherlands, Trinidad and Tobago
Art. 12, para. 4	Austria, Italy, Netherlands, United Kingdom
Art. 13	Finland*, France, Iceland, India, Malta, Mexico, United Kingdom
Art. 14	Austria, France, Ireland
Art. 14, para. 1	Belgium, Denmark, Finland*
Art. 14, para. 2	Malta
Art. 14, para. 3	Australia*, Austria, Barbados, Finland, Gambia, Germany, Guyana, Italy, Netherlands, United Kingdom, Venezuela
Art. 14, para. 5	Austria, Belgium, Denmark, France, Germany, Italy, Luxembourg, Netherlands, Norway, Republic of Korea, Trinidad and Tobago
Art. 14, para. 6	Australia, Guyana, Malta, New Zealand, Trinidad and Tobago
Art. 14, para. 7	Austria, Denmark, Finland, Iceland, Netherlands, Norway, Republic of Korea, Sweden
Art. 15, para. 1	Germany, Italy, Trinidad and Tobago
Art. 17	Australia*
Art. 18	Mexico

Articles of the Covenant	States parties which made reservations, declarations or notifications
Art. 19	Austria, Belgium, France*, Germany, Malta
Art. 19, para. 2	Australia*, Ireland, Luxembourg, Netherlands
Art. 19, para. 3	India, Italy
Art. 20	Australia, Belgium, Luxembourg, Malta, New Zealand, United Kingdom
Art. 20, para. 1	Belgium, Denmark, Finland, France, Iceland, Ireland, Luxembourg, Netherlands, Norway, Sweden
Art. 21	Austria, Belgium, France, Germany, India, Trinidad and Tobago
Art. 22	Algeria, Austria, Belgium, France, Germany, India, Malta, New Zealand, Republic of Korea
Art. 22, para. 2	Japan
Art. 23	Israel
Art. 23, para. 2	Belgium
Art. 23, para. 3	United Kingdom
Art. 23, para. 4	Algeria, Ireland, Republic of Korea*, United Kingdom
Art. 24, para. 1	Australia*
Art. 24, para. 3	United Kingdom
Art. 25	Australia*, Belgium
Art. 25 (b)	Australia*, Mexico, United Kingdom
Art. 25 (c)	Netherlands*, United Kingdom
Art. 26	Australia*, Austria, Trinidad and Tobago
Art. 27	France

Articles of the Covenant	States parties which made reservations, declarations or notifications
Art. 41	Austria, Canada, Denmark, Ecuador, Finland, Germany, Iceland, Italy, Luxembourg, Netherlands, New Zealand, Norway, Peru, Senegal, Spain, Sri Lanka, Sweden, United Kingdom
Art. 48, para. 1	Afghanistan, Belarus, Bulgaria, Czech and Slovak Federal Republic, German Democratic Republic, Guinea, Hungary, Mongolia, Romania, Russian Federation, Syrian Arab Republic, Ukraine, Viet Nam
Art. 48, para. 3	Afghanistan, Bulgaria
Art. 50	Australia*
Art. 1	France
Art. 5, para. 2	Denmark, France, Iceland, Italy, Luxembourg, Norway, Spain, Sweden
Art. 7	France
